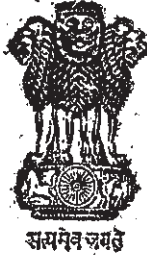


Extra Ordinary Part - V / 2000

Extra No.	Date	Department
Extra No.1	14-02-2000	Legislative & Parliamentary Affairs Department
Extra No.2	14-02-2000	Legislative & Parliamentary Affairs Department
Extra No.3	16-02-2000	Legislative & Parliamentary Affairs Department
Extra No.4	22-02-2000	Legislative & Parliamentary Affairs Department
Extra No.5	24-02-2000	Gujarat Legislature Secretariat
Extra No.6	02-03-2000	Legislative & Parliamentary Affairs Department
Extra No.7	03-03-2000	Legislative & Parliamentary Affairs Department
Extra No.8	09-03-2000	Gujarat Legislature Secretariat
Extra No.9	09-03-2000	Gujarat Legislature Secretariat
Extra No.10	09-03-2000	Gujarat Legislature Secretariat
Extra No.11	15-03-2000	Gujarat Legislature Secretariat
Extra No.12	16-03-2000	Legislative & Parliamentary Affairs Department
Extra No.13	16-03-2000	Legislative & Parliamentary Affairs Department
Extra No.14	18-03-2000	Legislative & Parliamentary Affairs Department
Extra No.15	21-03-2000	Legislative & Parliamentary Affairs Department
Extra No.16	21-03-2000	Legislative & Parliamentary Affairs Department
Extra No.17	22-03-2000	Legislative & Parliamentary Affairs Department
Extra No.18	23-03-2000	Legislative & Parliamentary Affairs Department
Extra No.19	24-03-2000	Legislative & Parliamentary Affairs Department
Extra No.20	27-03-2000	Legislative & Parliamentary Affairs Department
Extra No.21	30-03-2000	Gujarat Legislature Secretariat
Extra No.22	30-03-2000	Gujarat Legislature Secretariat
Extra No.23	11-09-2000	Legislative & Parliamentary Affairs Department
Extra No.24	11-09-2000	Legislative & Parliamentary Affairs Department
Extra No.25	27-09-2000	Legislative & Parliamentary Affairs Department
Extra No.26	27-09-2000	Legislative & Parliamentary Affairs Department
Extra No.27	03-10-2000	Legislative & Parliamentary Affairs Department



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT STATE GUARANTEES (AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 1 OF 2000.

A BILL

furthor to amend the *Gujarat State Guarantees Act, 1963*.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat State Guarantees (Amendment) Act, 2000.

(2) It shall be deemed to have come into force on the 10th December, 1999.

2. In the Gujarat State Guarantees Act, 1963 (hereinafter referred to as "the principal Act"), in section 2, in sub-section (1), for the letters and figures "Rs. 110,00,00,00,000", the letters and figures "Rs. 140,00,00,00,000" shall be substituted.

Guj. XXII
of 1963.

Short title
and
commence-
ment.

Amend-
ment of
section 2
of Guj.
XXII of
1963.

Repeal and
savings.

3. (1) The Gujarat State Guarantees (Amendment) Ordinance, 1999
is hereby repealed.

Guj. Ord.
4 of 1999.

(2) Notwithstanding such repeal, anything done or any action taken
under the principal Act, as amended by the said Ordinance shall be deemed
to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 2 of the Gujarat State Guarantees Act, 1963 fixes Rs. 110,00,00,00,000/- to be the limit upto which the State Government may give guarantees. With a view to meeting with the increasing demand in the wake of development in the field of power sector, agriculture, industry and infrastructure facilities therefor, it was considered necessary to raise the said limit upto Rs. 140,00,00,00,000/-.

As the Gujarat Legislative Assembly was not in session, the Gujarat State Guarantees (Amendment) Ordinance, 1999 was promulgated to amend the said Act to achieve the aforesaid object. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Gandhinagar,
Dated the 14th February, 2000.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 14th February, 2000.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT SALES TAX (AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 2 OF 2000.

A BILL

furthor to amend the Gujarat Sales Tax Act, 1969.

It is hereby enacted in the Fifty - first Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Sales Tax (Amendment) Act, 2000.

Short title and
commencement.

(2) It shall be deemed to have come into force on and from the 1st January, 2000.

2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as the "principal Act"), in Schedule I, the entry at serial No. 26 shall be deleted.

Amendment of
Schedule I to
Guj. 1 of 1970.

3. In the principal Act, in Schedule II, in Part A,—

Amendment of
Schedule II,
Part A to Guj. 1
of 1970.

(1) the entry at serial No. 12 shall be renumbered as sub-entry (i) of that entry and after sub-entry (i) as so renumbered, the following sub-entry shall be inserted, namely:-

V-Ex. 2-1

2-1

Guj. 1 of
1970.

1	2	3	4
"	(ii) Diamond whether polished or not, synthetic precious stones and other precious stones, synthetic diamond powder.	One paise in the rupee.	One paise in the rupee.;

(2) in the entry at serial No. 13A, in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;

(3) in the entry at serial No. 15, in columns 3 and 4, for the words "one half paise", the words "One paise" shall be substituted;

(4) in the entry at serial No. 19, in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(5) in the entry at serial No. 20, in columns 3 and 4, for the words "Six paise", the words "Twelve paise" shall be substituted;

(6) in the entry at serial No. 23, in sub-entries (i) and (ii), in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(7) in the entry at serial No. 25, in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(8) in the entry at serial No. 31, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(9) in the entry at serial No. 32, in columns 3 and 4, for the words "Twelve paise", the words "Twenty paise" shall be substituted;

(10) in the entry at serial No. 42, in sub-entry (i), in columns 3 and 4, for the words "Eight paise", the words "Twenty paise" shall be substituted;

(11) in the entry at serial No. 43, in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;

(12) in the entry at serial No. 44, in sub-entry (B), in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(13) in the entry at serial No. 48, in columns 3 and 4, for the words "Two paise", the words "Twelve paise" shall be substituted;

(14) in the entry at serial No. 51, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(15) the entry at serial No. 59 shall be renumbered as sub-entry (i) of that entry and after sub-entry (i) as so renumbered, the following sub-entry shall be inserted, namely:-

1	2	3	4
"	(ii) Sewing threads.	Four paise in the rupee.	Four paise in the rupee.;

(16) in the entry at serial No. 60, in columns 3 and 4, for the words "Six paise", the words "Twelve paise" shall be substituted;

(17) in the entry at serial No. 66, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(18) for the entry at serial No. 77, the following entry shall be substituted, namely:-

1	2	3	4
"77	(i) Bricks.	Eight paise in the rupee.	Eight paise in the rupee. ;
	(ii) Roofing tiles (other than <i>Deshi Nalia</i> and <i>Manglori Nalia</i>)	Six paise in the rupee.	Six paise in the rupee.";

(19) in the entry at serial No. 94, in sub-entry (i), in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(20) in the entry at serial No. 97,—

(a) after sub-entry (C), the following sub-entry shall be inserted, namely:-

1	2	3	4
"(CC)(i)	Television reception instruments such as all types of television sets, television projection equipments, close circuit Television and T.V. monitor.	Twelve paise in the rupee.	Twelve paise in the rupee.";
	(ii) Video Casette Recorders, Video Casette players, Video cameras and combination of any of these instruments.		
	(iii) Electronics games, Electronics toys and instruments for playing electronics games and toys.		

(b) in sub-entry (D),—

(i) the items at serial Nos. (2), (7) and (9) shall be deleted;

(ii) in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;

(21) after the entry at serial No. 97, the following entry shall be inserted, namely:-

1	2	3	4
"97A	Earth-moving equipment.	Eight paise in the rupee.	Eight paise in the rupee.";

(22) in the entry at serial No. 100 A, for sub-entry (iv), the following sub-entries shall be substituted, namely:-

1	2	3	4
"	(iv) Meat, Fish and all Sea food.	Four paise in the rupee.	Four paise in the rupee.
	(v) Processed vegetables.	Four paise in the rupee.	Four paise in the rupee.";

(23) in the entry at serial No. 102, in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(24) in the entry at serial No. 104,-

(a) in sub-entry (i),

(i) in column 2, after the word "except", the words "Steel furniture," shall be inserted;

(ii) in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(b) in sub-entry (ii), in columns 3 and 4, for the words "Eight paise", the words "Twelve paise" shall be substituted;

(c) after sub-entry (ii), the following sub-entry shall be inserted, namely:-

1	2	3	4
"	(iii) Steel furniture.	Twelve paise in the rupee.	Twelve paise in the rupee.";

(25) in the entry at serial No. 112, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(26) in the entry at serial No. 124, in columns 3 and 4, for the words "Six paise", the words "Twelve paise" shall be substituted;

(27) in the entry at serial No. 128,-

(a) in sub-entries (1), (2), (4) and (5), in columns 3 and 4, for the words "Four paise", the words "Twelve paise" shall be substituted;

(b) in sub-entry (3), in columns 3 and 4, for the words, "Six paise", the words "Eight paise" shall be substituted;

(28) in the entry at serial No. 133, in sub-entries (i) to (vi), in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;

(29) in the entry at serial No. 139, in columns 3 and 4, for the words "Eight paise", the words "Twelve paise" shall be substituted;

(30) in the entry at serial No. 140,-

(a) in sub-entry (i), in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(b) in sub-entry (ii), in columns 3 and 4, for the words "Six paise", the words "Twelve paise" shall be substituted;

(31) the entry at serial No. 151 shall be renumbered as sub-entry (i) of that entry and after sub-entry (i) as so renumbered, the following sub-entry shall be inserted, namely:-

1	2	3	4
"	(ii) Sewing machines (operated by electrical power) and spare parts and accessories thereof.	Eight paise in the rupee.	Eight paise in the rupee.";

(32) in the entry at serial No. 167, in columns 3 and 4, for the words "Six paise", the words "Eight paise" shall be substituted;

(33) in the entry at serial No. 178, in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(34) in the entry at serial No. 182,-

(a) in sub-entries (i) to (iii), in columns 3 and 4, for the words "Two paise", the words "Four paise" shall be substituted;

(b) for sub-entry (iv), the following sub-entries shall be substituted, namely:-

1	2	3	4
"(iv)	Utensils made of other metals.	Four paise in the rupee.	Four paise in the rupee.
(v)	Articles made of stainless steel.	Twelve paise in the rupee.	Twelve paise in the rupee.";

(35) in the entry at serial No. 183, in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted;

(36) for the entry at serial No. 184 C, the following entry shall be substituted, namely:-

1	2	3	4
"184 C(A)	(i) <i>Variali</i> (ani seeds). (ii) <i>Methi</i> (Fenugru seeds). (iii) <i>Ajma</i> (Ajwa). (iv) <i>Kalingada</i> seeds. (v) <i>Asalia</i> .	Two paise in the rupee.	Two paise in the rupee.
(B)	<i>Jira</i> (Cumin seeds).	Four paise in the rupee.	Four paise in the rupee.";

(37) in the entry at serial No. 186, in columns 3 and 4, for the words "Four paise", the words "Eight paise" shall be substituted.

Repeal and
savings.

4.(1) The Gujarat Sales Tax (Amendment) Ordinance, 1999 is hereby repealed.

Guj. Ord. 5 of
1999.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

V- EX. - 2-2

STATEMENT OF OBJECTS AND REASONS

In the Chief Ministers' Conference held on the 16th November, 1999, a consensus had emerged to apply uniformity of the floor rates in respect of sales tax leviable under Sales Tax Laws of respective States with effect from 1st January, 2000. In order to implement the decision taken in the said Conference, it was considered necessary to change the rates of sales tax leviable under the Gujarat Sales Tax Act, 1969. Accordingly, amendments were made in Schedule I and Schedule II, Part A of the said Act.

As the Gujarat Legislative Assembly was not in session, the Gujarat Sales Tax (Amendment) Ordinance, 1999 was promulgated to amend the said Act to achieve the aforesaid object. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Gandhinagar,

VAJUBHAI VALA

Dated the 14th February, 2000.

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,

Dated the 14th February, 2000.



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PART- V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated in to Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Lagislative Assembly Rules :-

THE GUJARAT MUNICIPALITIES (AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 3 OF 2000.

A BILL

further to amend the Gujarat Municipalities Act, 1963.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Municipalities (Amendment) Act, 2000.

Short title
and com-
mencement.

(2) It shall be deemed to have come into force on the 3rd December, 1999.

Amend-
ment of
section 33
of Guj. 34
of 1964.

2. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the principal Act"), in section 33, for sub-section (1), the following shall be substituted, namely:—

Guj. 34
of 1964.

"(1) (a) The term of office of the President of a municipality constituted upon the general election held after the commencement of the Gujarat Municipalities (Amendment) Act, 2000 shall be two and a half years.

Guj. of
2000.

(b) The term of office of the President of a municipality existing on the commencement of the said Act, shall be one year.

(c) Subject to the other provisions of this section, the President shall be eligible for re-election."

Repeal
and
savings.

3. (1) The Gujarat Municipalities (Amendment) Ordinance, 1999 is hereby repealed.

Guj. Ord. 3
of 1999.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of sub-section (1) of section 33 of the Gujarat Municipalities Act, 1963, the term of office of the President is fixed for a period of one year. On gaining experience, it is found that the period of one year is very short for the President to undertake and implement any important project or take any effective measure for discharging his duties efficiently. It was, therefore, considered necessary to increase the term of office of the President from one year to two and a half years of those municipalities which were constituted upon the general election held after the commencement of the Gujarat Municipalities (Amendment) Ordinance, 1999.

As the Gujarat Legislative Assembly was not in session, the Gujarat Municipalities (Amendment) Ordinance, 1999 was promulgated to amend sub-section (1) of section 33 of the said Act to achieve the aforesaid object. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Gandhinagar,

PARMANAND KHATTAR.

Dated the 16th February, 2000.

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,

Dated the 16th February, 2000.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT LIFTS AND ESCALATORS BILL, 2000.

GUJARAT BILL NO. 4 OF 2000.

A BILL

to consolidate law relating to regulation of the construction, maintenance and safe operating of lifts and escalators and the machinery and apparatus pertaining thereto in the State of Gujarat.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Lifts and Escalators Act, 2000.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "Baluster" means a short pillar slender above and bulging below;
- (b) "Balustrade" means a row of balusters meant for supporting moving handrails;
- (c) "Chief Inspector" and "Inspector" means respectively the person appointed to be the Chief Inspector of lifts and escalators and the Inspector of lifts and escalators under sub-section (1) of section 15;

(d) "combplate" means a pronged plate that forms part of an escalator landing and engages with the cleats of the steps at the limits of travel;

(e) "escalator" means a power driven inclined continuous stairway used for raising or lowering passengers;

(f) "escalator installation" includes the escalator, the track, the trusses or girders, the balustrading, the step treads and landings and all chains, wires and plants directly connected with the operation of the escalator;

(g) "licence" means a licence granted under section 4;

(h) "lift" means an appliance designed to transport persons or materials between two or more levels in a vertical or substantially vertical direction by means of a guided car or platform;

(i) "lift car" means the load carrying unit with its floor or platform car frame and enclosing body work;

(j) "lift installation" includes the lift car, the lift way, the lift way enclosure and the operating mechanism of the lift and all ropes, cables, wires and plant, directly connected with the operation of the lift;

(k) "power" means any form of energy which is not generated by human or animal agency;

(l) "prescribed" means prescribed by rules;

(m) "rated speed" means the speed at which the lift or escalator is designed to operate;

(n) "rules" means rules made under this Act.

Permission to
erect lift or
escalator.

3. (1) Every owner of a place intending to instal a lift or an escalator in such place after the commencement of this Act, shall make an application in such form as may be prescribed, to such officer as the State Government may authorise in this behalf, for permission to erect such lift or escalator. Such application shall specify-

(a) the type of the lift or escalator;

(b) the rated maximum speed of the lift or the speed at which the escalator is designed to operate;

(c) the maker's or designer's rated capacity in weight;

(d) the maximum number of passengers in addition to the lift operator which the lift can carry;

(e) the total weight of the lift car carrying the maximum load;

(f) the weight of the counter weight of the lift;

(g) the number, description, weight and size of the supporting cables of the lift or escalator;

(h) the depth of the pit from the lowest part of the car when at the lowest floor of lift;

(i) such details of the construction of the overhead arrangement with the weights and size of the beams for the lift, as may be prescribed;

- (j) angle of inclination for escalator;
- (k) type of balustrading in escalator;
- (l) the width between balustrades in escalator;
- (m) details of handrails, steps treads, landing, combplates, trusses or girders and step wheel tracks in escalator;
- (n) the rated load in Kilogrammes on escalator;
- (o) the factor of safety based on the static loads in the lift or escalator; and
- (p) such other particulars as may be prescribed.

(2) On receipt of an application under sub-section(1), the officer authorised under this section shall, after making such inquiry and requiring the applicant to furnish such information as may be necessary, forward the application with his remarks to the Chief Inspector. The Chief Inspector may there upon either grant or refuse the permission to erect lift or escalator. The permission so granted shall be valid for a period of six months from the date on which it is granted or for such further period not exceeding six months as may be allowed by the Chief Inspector for sufficient reasons.

(3) On grant of permission under sub-section (2), the owner shall get his lift or escalator erected by a person authorised under section 13.

4. (1) The owner who is permitted to instal a lift or escalator under section 3 shall, within one month after the completion of erection of such lift or escalator, make an application to such officer as the State Government may authorise in this behalf, for a licence for operating the lift or an escalator.

Licence to use
lift or escalator.

(2) An application for licence made under sub-section (1) shall be in such form and accompanied by such fees as may be prescribed.

(3) On receipt of an application under sub-section (1), such officer may, after making such inquiry as may be necessary, forward the application with his remarks to the Chief Inspector.

(4) If the Chief Inspector is satisfied that the applicant has complied with the requirements of the provisions of this Act, he may grant the licence to use lift or escalator in such form and on such terms and conditions as may be prescribed:

Provided that where the Chief Inspector refuses to grant the licence, he shall give a reasonable opportunity of being heard to the applicant.

(5) The owner who has been granted licence under sub-section (4) shall get his lift or escalator maintained by a person authorised under section 13.

5. (1) Notwithstanding anything contained in sections 3 and 4, every owner of a place in which a lift or an escalator has been installed before the date of the commencement of this Act shall, within three months from such date apply for a licence for operating of such lift or escalator.

Application for
licence in case of
existing lifts and
escalators.

(2) The provisions of sub-sections (2) and (3) of section 4 shall, as far as may be, apply to such application.

Duration and
renewal of
licence.

6. (1) Every licence shall be valid for a period of three years from the date on which it is granted.

(2) A licence may be renewed on an application made in that behalf to the Chief Inspector in such form and accompanied by such fee as may be prescribed alongwith the report made under section 16 and every such application shall be made not less than thirty days before the date on which the period of validity of the licence is due to expire.

Lift or escalator
not to be
operated
without licence.

7. No lift or escalator shall be operated except under and in conformity with the terms and conditions of the licence granted in respect of the same.

Suspension or
cancellation of
licence.

8. If the licensee has contravened any of the provisions of the Act or rules or any of the conditions of the licence or directions given to him, the Chief Inspector may, after giving a reasonable opportunity of being heard, suspend the licence for such period as he thinks fit or cancel it.

Additions and
alterations to lift
or escalator
installation.

9. No additions or alterations other than those required to be made under sub-section (2) of section 10 shall be made to any lift or escalator installation except with the previous permission in writing of an officer authorised in this behalf by the State Government.

Right to enter
any building for
inspection of lift
or escalator and
lift or escalator
installation, etc.

10. (1) An officer authorised in this behalf by the State Government or a person authorised under section 13 may, at any time after giving a reasonable notice to the occupant, enter upon any building in which a lift or an escalator is installed or is being installed or in connection with which an application has been made for licence, for the purpose of inspecting the lift or escalator or lift or escalator installation or the site thereof.

(2) The officer, on such inspection, or on the basis of report made under sub-section (3) of section 16 is of the opinion that any lift or escalator in any building is in unsafe condition, he may direct by an order to the owner of the building or his agent appointed under sub-section (2) of section 14 to make such repairs or alterations to be made to such lift or escalator as he may deem necessary, within the time specified therein and may also if necessary, order the use of such lift or escalator to be discontinued until such repairs or alterations are made or such unsafe condition is removed. The owner or, as the case may be, his agent shall thereupon comply with the order within the period specified therein and shall forthwith report in writing to the officer of having so complied with.

Appeal.

11. (1) Any person aggrieved by an order of the Chief Inspector made under sub-section (4) of section 4 or section 8, may within thirty days from the date of such order, appeal to the State Government.

(2) Any person aggrieved by an order of the officer made under sub-section (2) of section 10, may within thirty days from the date of such order, appeal to the Chief Inspector.

(3) Any person aggrieved by an order of the Chief Inspector made under sub-section (2), may within thirty days from the date of such order, appeal to the State Government.

(4) An appellate authority may pass such order on appeal as it deems just and proper.

(5) The order made by the Chief Inspector on appeal, shall be subject to the appeal to the State Government, and the decision of the State Government on appeal shall be final and shall not be called in question in any court.

(6) Notwithstanding any appeal made under this section, any order to discontinue the use of lift or escalator made by the officer under sub-section (2) of section 10 shall be complied with unless the appellate authority has suspended such order.

12. The owner of a building in which a lift or an escalator is installed or his agent appointed under sub-section (2) of section 14 shall afford all reasonable facilities to the officer or a person authorised under section 13 for inspecting a lift or an escalator under sections 10 and 16 and whenever ordered to do so by the officer shall, at his own cost, procure at such inspection the attendance of the person, if any, with whom he has entered into a contract for the erection or maintenance of the lift or an escalator (being a person authorised under section 13 for the work of erection or maintenance of a lift or an escalator) or a representative of such person who is competent to assist the officer in inspecting the lift or an escalator.

Owner to give facilities for inspection.

13. (1) The Chief Inspector may authorise a person for the purpose of carrying out erection, maintenance, inspection and test of lift or escalator.

Authorisation to a person for erection, maintenance, inspection and test.

(2) The manner, terms and conditions and the fees for authorisation under sub-section (1) shall be such as may be prescribed.

(3) No person shall be authorised under sub-section (1) unless he fulfils qualifications and such other requirements as may be prescribed.

14. (1) Where any accident occurs in the operation of any lift or escalator which results or is likely to have resulted in loss of human life or injury to any person, the owner of the building in which the lift or escalator is working or if such owner has appointed an agent and has communicated his name to the Inspector under sub-section (3), such agent, shall as soon as may be after such accident, give notice in such form and in such manner as may be prescribed, with full details of the accident to the Inspector and also in the area for which a Commissioner of Police has been appointed, to the Commissioner of Police and elsewhere to the District Magistrate or such other officer as the State Government may, by order, specify and the lift or escalator installation shall not be interfered with in any manner and the working of such lift or escalator shall not be resumed except with the written permission of the officer authorised in this behalf by the State Government.

Report of accidents and inquiries.

(2) For the purposes of sub-section (1), the owner of every building in which a lift or an escalator has been installed, or in the case where such owner does not reside in such building, an agent (who shall be a resident in the town or village in which the building is situate) appointed by the owner, shall give notice of any accident occurring in the operation of the lift or escalator.

(3) The name of every agent appointed under sub-section (2) shall be communicated in writing to the Inspector.

(4) The State Government may authorise the Inspector or any other competent person appointed in this behalf, to inquire and report—

(a) as to the cause of any accident affecting the safety of the persons which may have been occasioned by, or in connection with, the lift or escalator installation, or

(b) as to the manner in, and extent to, which the provisions of this Act or the rules made thereunder so far as those provisions affect the safety of any person, have been complied with.

(5) Every Inspector or other person holding an inquiry under sub-section (4) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 for the purpose of enforcing the attendance of witness and compelling the production of documents and material objects; and every person required by an Inspector or such other person as aforesaid to furnish any information shall be deemed to be legally bound to do so within the meaning of section 176 of the Indian Penal Code.

Appointment of
Chief Inspector,
Inspectors and
Assistant
Inspectors of
lifts and
escalators.

15. (1) The State Government may, by notification in the *Official Gazette*, appoint persons duly qualified as Electrical Inspector under the Indian Electricity Act, 1910, to be-

- (a) the Chief Inspector of lifts and escalators;
- (b) the Inspector of lifts and escalators.

(2) The Chief Inspector so appointed shall, in addition to the powers conferred on him under this Act, exercise the powers of an Inspector through out the State.

(3) Every Inspector so appointed shall exercise the powers and perform the functions of the Inspector under this Act within such areas or in respect of such class of lift or escalator installations and subject to such restrictions as the State Government may direct.

(4) The State Government may, by notification in the *Official Gazette*, appoint persons duly qualified to assist an Electrical Inspector under the Indian Electricity Act, 1910 to be the Assistance Inspector of lifts and escalators.

Inspection of
lifts and
escalators and
charging of fees.

16. (1) Every lift or escalator-

(a) shall be inspected by the officer authorised in this behalf by the State Government,-

- (i) before the grant of a licence under section 4; and
- (ii) in every three years from the date of grant of licence;

(b) may be inspected by such officer to check up compliance with the order made under sub-section (2) of section 10, if necessary.

(2) Notwithstanding anything contained in sub-section (1), the owner of a building in which a lift or an escalator is installed, shall get his lift or escalator inspected and tested by a person authorised under section 13 at an interval of every six months from the date of grant of licence under section 4 and shall submit such inspection and test report to the Chief Inspector.

(3) The officer authorised under clause (a) of sub-section (1) and the person who has inspected and tested the lift or escalator under sub-section (2) shall submit their report to the Chief Inspector in such form as may be prescribed.

(4) The fee as may be prescribed shall be paid by the owner of the building in which the lift or escalator is installed for each inspection under sub-section (1) and such fee shall be inclusive of the fee for the inspection of electrical installation attached to the lift or escalator installation. The fee shall be paid within such period and in such manner as may be prescribed.

(5) Where the owner or any person liable to pay fee under this section does not pay the same within the prescribed period, there shall be paid by such owner for the period commencing immediately after the prescribed period and ending on the date of payment of fees, simple interest at the rate of twenty-four per cent per annum on the amount of fees not so paid.

17. All sums payable as fees or interest under this Act shall be recoverable as arrears of land revenue. Recovery of fees, etc.

18. Whoever contravenes any of the provisions of this Act, rules or the conditions of a licence or a direction given by the Chief inspector or the inspector under this Act or the rules shall, on conviction, be punishable with fine not exceeding five thousand rupees and, in the case of continuing contravention, with an additional fine which may extend to one hundred rupees for every day during which such contravention continues after conviction for the first such contravention. Penalty.

19. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in-charge of and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary, or other officer of the company, such director, manager, secretary, or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation : - For the purpose of this section, -

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm, means a partner in the firm.

20. No court shall take cognizance of any offence under this Act except with the previous sanction of the Chief Inspector or the State Government. Cognizance of offences.

21. (1) Every notice, order or document by or under this Act required or authorised to be addressed to any person may be served by post or left, Service of notices, orders or documents.

(a) where a local authority is the addressee, at the office of the local authority,

(b) where a company is the addressee, at the registered office of the company or in the event of the registered office of the company not being in India, at the head office of the company in India,

(c) where any other person is the addressee, at the usual or last known place of abode or business of the person.

(2) Every notice, order or document by or under this Act required or authorised to be addressed to the owner or the agent of the owner or the occupant of any premises shall be deemed to be properly addressed, if addressed by the description of the "owner" or "agent of the owner" or "occupant" of the premises (naming the premises) and may be served by delivering it or a true copy thereof, to some person on the premises or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by affixing it on some conspicuous part of the premises.

Protection for
acts done in
good faith.

Application of
Act to lifts or
escalators
belonging to
Government.

Power to make
rules.

22. No suit, prosecution or other legal proceedings shall be instituted against any officer for anything which is in good faith done, or intended to be done under this Act or the rules or orders made thereunder.

23. In the application of the provisions of this Act to lifts or escalators installed by the Government, the provisions of this Act shall be deemed to have been adopted or modified to the extent specified in the Schedule.

24. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:-

- (a) the specifications for lifts and escalators;
- (b) the manner in which erection plans of lifts and escalators shall be submitted;
- (c) the manner in which the lifts and escalators may be tested;
- (d) the form of application for permission to erect a lift or escalator under sub-section (1) of section 3;
- (e) details of the construction of the overhead arrangement with the weights and sizes of the beams under item (i) of sub-section (1) of section 3;
- (f) other particulars which the application for permission to erect a lift or an escalator shall specify under item (u) of sub-section (1) of section 3;
- (g) the form in which an application for licence shall be made and the fee which shall accompany such application under sub-section (2) of section 4;
- (h) the form in which and the terms and conditions on which the licence may be granted for the working of a lift or an escalator under sub-section (4) of section 4;
- (i) the form in which an application for renewal of licence shall be made and the fee which shall accompany such application under sub-section (2) of section 6;
- (j) the form of notice to be given under sub-section (1) of section 10;
- (k) the form in which an application for obtaining authorisation shall be made and the fee and the particulars which shall accompany such application under sub-section (2) of section 13.
- (l) the qualifications and other requirements for obtaining authorisation under sub-section (3) of section 13;
- (m) the form and the manner in which notice of accident shall be given under sub-section (1) of section 14;
- (n) the rate of fee which shall be charged for inspection of every lift or escalator and the period within which and the manner in which such fee shall be paid under sub-section (2) of section 16;
- (o) any other matter which is to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

IX of 1910. 25. Nothing contained in this Act shall affect the provisions of the Indian Electricity Act, 1910 or any rules made thereunder.

Provisions of Indian Electricity Act not affected.

Bom. X of 1939. 26. On the commencement of this Act, the Bombay Lifts Act, 1939 in its application to the State of Gujarat, shall stand repealed:

Repeal and savings.

Provided that such repeal shall not affect the previous operation of the said Act and anything done or action taken (including any appointment or delegation made, application or other document filed, licence granted, inquiry or inspection made, notification or notice issued, rule made, proceeding instituted, fees recovered or penalty imposed) by or under the provisions of the said Act, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under the corresponding provisions of this Act, and shall continue in force unless and until superseded by anything done or any action taken under this Act.

SCHEDULE (See section 23)

(1) In section 5, in sub-section (1), for the words "every owner", the words "every Government Officer-in-charge" shall be substituted.

(2) In section 14, in sub-section (2),-

(i) for the words beginning with the words "the owner of every building" and ending with the words "in such building", the following shall be substituted, namely :-

"for every building in which a lift or an escalator has been installed by Government, the Government or";

(ii) for the words "appointed by the owner" the words "appointed by the Government" shall be substituted.

(3) In section 21, in sub-section (1), for clause (a), the following shall be substituted, namely :-

"(a) where Government is the addressee, at the office of the agent appointed by Government under sub-section (2) of section 14".

STATEMENT OF OBJECTS AND REASONS

At present, the Bombay Lifts Act, 1939 is applicable to the State of Gujarat. While administering the said Act, it is found that the existing provisions are not adequate to carry out the object. The escalator installations have come into existence in the State after the enactment of the said Bombay Act and therefore, it has also become necessary to make some provisions for regulating the construction, maintenance and operating of an escalator installations. It is, therefore, considered necessary to replace the said Bombay Act by a new Act. The following notes on clauses explain the important provisions of the Bill :—

Clause 2.—This clause defines certain terms used in the Bill.

Clause 3.—This clause provides for the person intending to install a new lift or escalator installation to make an application for permission to erect the lift or escalator.

Clause 4.—This clause lays down the procedure to be adopted for the issue of a licence to use the lift or escalator and maintenance of lift or escalator.

Clause 5.—This clause provides for making of application by the owner of the place in which lift or escalator is installed before the commencement of the Act for grant of a licence to use the lift or an escalator.

Clause 6.—This clause provides for the duration and renewal of licence.

Clause 7.—This clause prohibits the use of lift or escalator installation without licence.

Clause 8.—This clause empowers the Chief Inspector to suspend or cancel the licence for contravention of Act, rules or directions etc.

Clause 9.—This clause provides for the permission of an authorised officer to make any addition or alteration to the lift or escalator installation.

Clause 10.—This clause gives powers to the authorised officer to enter any building for inspection of lifts or escalators, lift or escalator installation or the site thereof.

Clause 11.—This clause contains provisions for appeal.

Clause 12.—This clause requires the owner of a building in which the lift or escalator is installed or his agent to give facilities for inspection.

Clause 13.—This clause provides for the authorisation of a person for erection, maintenance, inspection and test of lift or escalator.

Clause 14.—This clause lays down the procedure for reporting any accident which may occur in the operation of any lift or escalator and inquiries.

Clause 15.—This clause provides for the appointment of the Chief Inspector, Inspector of lifts and escalators and his assistants.

Clause 16.—This clause provides for inspection of lift or escalator and charging of fees and penal interest.

Clause 17.—This clause provides for the recovery of fees or interest as arrears of land revenue.

Clause 18.—This clause provides for the penalty to be imposed for contravention of the provisions of the Act, etc.

Clause 19.—This clause relates to the offences committed by the companies.

Clause 20.—This clause provides that the court shall take cognizance of the offence only on the previous sanction of the Chief Inspector or the State Government.

Clause 21.—This clause lays down the procedure for the service of notices and orders to be issued under the Act.

Clause 22.—This clause provides for usual indemnity for acts done in good faith.

Clause 23.—By this clause the provisions of the Act are made applicable to the lifts or escalators belonging to Government with certain modification specified in the Schedule.

Clause 24.—This clause empowers the State Government to make, by notification in the *Official Gazette*, rules generally for carrying out the purposes of Act and particularly for all or any of the matters specified in sub-clause (2).

Clause 25.—This clause provides that the provisions of the Indian Electricity Act, 1910 and the rules made thereunder shall not be affected by the provisions of this Act.

Clause 26.—This clause provides for the repeal of the Bombay Lifts Act, 1939 and savings.

KAUSHIK PATEL

FINANCIAL MEMORANDUM

Clause 15 of this Bill provides for the appointment of the Chief Inspector of lifts and escalators, Inspectors and Assistant Inspector of lifts and escalators. Since the existing Government Officers are to be appointed, the appointment as such would not involve any additional expenditure from the Consolidated Fund of the State.

KAUSHIK PATEL

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves delegation of legislative powers in the following respects :—

Clause 1.—Sub-clause (3) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, a date on which the Act shall come into force.

Clause 3.—(i) Sub-clause (1) of this clause empowers the State Government to authorise an officer to receive the application for granting permission to erect a lift or an escalator;

(ii) This sub-clause also empowers the State Government to prescribe by rules the form of such application;

(iii) Item (1) of this sub-clause empowers the State Government to prescribe by rules the details of the construction of the overhead arrangement with the weights and sizes of the beams for the lift, which such application shall specify;

(iv) Item (u) of this sub-clause empowers the State Government to prescribe by rules other particulars which such application shall specify.

Clause 4.—(i) Sub-clause (1) of this clause empowers the State Government to authorise an officer to whom the application for licence for working of lift or escalator shall be made.

(ii) Sub-clause (2) of this clause empowers the State Government to prescribe by rules the form in which an application for licence shall be made, the fee which shall accompany such application;

(iii) Sub-clause (4) of this clause empowers the State Government to prescribe by rules the form in which and the terms and conditions on which licence shall be granted.

Clause 6.—Sub-clause (2) of this clause empowers the State Government to prescribe by rules the form in which an application for renewal of a licence shall be made, the fee which shall accompany such application.

Clause 9.—This clause empowers the State Government to authorise an officer to grant previous permission in writing for any addition or alteration to any lift or escalator.

Clause 10.—Sub-clause (1) of this clause empowers the State Government to authorise an officer to enter and inspect the building in which the lift or escalator is or being installed and in respect of which an application for licence has been received by such officer.

Clause 13.—(i) Sub-clause (1) of this clause empowers the State Government to authorise a person for the purposes of carrying out erection, maintenance, inspection or test of lift or escalator;

(ii) Sub-clause (2) of this clause empowers the State Government to prescribe by rules the manner, terms and conditions and the fees for authorisation under this clause;

(iii)—Sub-clause (3) of this clause empowers the State Government to prescribe by rules the qualifications and such other requirements for obtaining authorisation under this clause.

Clause 14.—(i) Sub-clause (1) of this clause empowers the State Government to prescribe by rules the form and the manner in which notice of accident shall be given. This clause also empowers the State Government to specify by order the other officer to whom such notice shall be given and authorise an officer who may grant permission to resume lift or escalator;

(ii)—Sub-clause (4) of this clause empowers the State Government to authorise an Inspector or other competent person to inquire and report the matters referred to in this clause.

Clause 15.—This clause empowers the State Government to appoint the Chief Inspector, Inspectors and Assistant Inspectors of lifts and escalators.

Clause 16.—(i) Sub-clause (1) of this clause empowers the State Government to authorise an officer by whom lift or escalator installation shall be inspected;

(ii) Sub-clause (3) of this clause empowers the State Government to prescribe by rules the form in which the inspection and test report shall be submitted;

(iii) Sub-clause (4) of this clause empowers the State Government to prescribe by rules the fee, the period within which and the manner in which fee shall be paid.

Clause 24.—This clause empowers the State Government to make, by notification in the *Official Gazette*, rules generally for carrying out the purposes of the Act and particularly for all or any of the matters specified in sub-clause (2).

The delegation of the legislative powers as aforesaid is necessary and is of a normal character.

Gandhinagar,
Dated the 22nd February, 2000.

KAUSHIK PATEL.

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 22nd February, 2000.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 24th February, 2000 by Dr. Mayaben Kodanani M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly rules for general information.

GUJARAT BILL NO. 5 OF 2000.

THE GUJARAT PROHIBITION OF RAGGING BILL, 2000

A BILL

A bill to prohibit ragging in educational institutions in the State of Gujarat and for matters connected therewith.

WHEREAS, it is expedient to enact a special law to prohibit ragging in educational institutions in the State of Gujarat;

It is hereby enacted in the Fifty-first Year of Republic of India as follows :—

Short title
extent and
Commence-
ment.

1. (1) This Act may be called the Gujarat Prohibition of Ragging Act, 2000.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "educational institution" means and includes a College, or other institution by whatever name called, carrying on the activity or imparting education therein (either exclusively or among other activities); and includes an orphanage or a boarding home or hosted or a tutorial institution or any other premises attached thereto;

(b) "head of the educational institution" means the Vice-Chancellor of the University, Dean of the Medical faculty, Director of the Institution, or the Principal, Headmaster or the person responsible for the management of the institution;

(c) "ragging" means display of disorderly conduct, doing any act which causes or is likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment to a student in any educational institution and includes.—

(i) teasing, abusing, threatening or playing practical jokes on, or causing hurt to, such student; or

(ii) asking a student to do any act or perform something which such student will not, in the ordinary course, willingly do.

Prohibition of ragging.

3. Ragging within or outside any educational institution is an offence punishable under this Act.

Penalty for ragging.

4. Any person who directly or indirectly commits, participates in, abets or propagates ragging within or outside any educational institution shall, on conviction, be punished with imprisonment for a term which may extend to two years and shall also be liable to a fine which may extend to ten thousand rupees.

Dismissal of student.

5. Person who is convicted under Section 4, is a student, he shall be dismissed from the educational institution and such student shall not be admitted in any other educational institution for a period of five years from the date of order of such dismissal.

6. (1) Whenever any student or, as the case may be, the parent or guardian, or a teacher of an educational institution complains, in writing of ragging to the head of the educational institution, the head of the educational institution shall without prejudice to the foregoing provisions, within seven days of the receipt of the complaint inquire in to the matter mentioned in the complaint and if, prima facie, it is found true, suspend the student who is accused of the offence, and shall, immediately forward the complaint to the police-Station having jurisdiction over the area in which the educational institution is situated, for further action.

(2) Where, on enquiry by the head of the educational institution, It is proved that there is no substance, prima-facie, in the complaint received under sub-section (1), he shall intimate the fact, in writing, to the complainant.

(3) The decision of the head of the educational institution that the student has indulged in ragging under sub-section (1), shall be final.

Deemed abetment.

7. If the head of the educational institution fails or neglects to take action in the matter specified in section 6 when a complaint of ragging is made, such person shall be deemed to have abetted the offence of ragging and shall, on conviction, be punished as per the provisions of section 4.

Power to make rules.

8. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) Rules made under this Section shall be laid before the State Legislature for a period of thirty days as soon as possible after they are made and shall be subject to such modifications or rescission as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any modification or rescission so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Ahmedabad.
Dated the 4th January, 2000.

DR. MAYABEN KODNANI,
M. L. A.

STATEMENT OF OBJECTS AND REASONS.

In recent year there has been a significant increase in the complaints of ragging in educational institutions. Ragging is a stigma on the educational institutions and it should be nipped in bud. Ragging causes physical or psychological harm or raise fear or shame to a student in any educational institution. It is, therefore expedient in the educational institutions interest to device Legislative measure.

Hense this Bill.

Ahmedabad,
Dated the 4th January, 2000.

DR. MAYABEN KODNANI,
M. L. A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub clause (3) of clause (1) empowers the State Government to specify the date on which the Act shall come into force.

Sub clause (1) of clause (8) empowers the State Government to make rules to carry out the purposes of the Act.

The delegation of Legislative powers as aforesaid is essential and of normal character.

Ahmedabad.
Dated the 4th January, 2000.

DR. MAYABEN KODNANI,
M. L. A.

Gandhinagar,
Dated the 24th February, 2000.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.

V-Ex-5-2



The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. XLI] THURSDAY, MARCH 2, 2000/ PHALGUNA 12, 1921

Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT WATER AND GAS PIPELINES (ACQUISITION OF RIGHT OF USER IN LAND) BILL, 2000.

GUJARAT BILL NO. 6 OF 2000.

A BILL

to provide for the acquisition of right of user in land for laying water pipelines and gas pipelines in the State of Gujarat and for the matters connected therewith.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Gujarat Water and Gas Pipelines (Acquisition of Right of User in Land) Act, 2000. Short title,
extent and
commencement.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires,— Definitions.
 - (a) "competent authority" means any person or authority authorised by the State Government by notification in the *Official Gazette*, to perform the functions of the competent authority under this Act ;

(b) "corporation" means any body corporate established under any Gujarat Act and includes —

- (i) a Company formed and registered under the Companies Act, 1956; 1 of 1956.
and
- (ii) a Company formed and registered under any law relating to companies formerly in force in any part of India ;

(c) "gas" means a matter in gaseous state which predominantly consists of methane;

(d) "prescribed" means prescribed by rules made under this Act.

Publication of
notification
for
acquisition.

3. (1) Whenever it appears to the State Government that it is necessary in the public interest that for the transport of water or, as the case may be, gas from one area to another area, pipelines may be laid by the State Government, or, the Corporation and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in any land under which such pipelines may be laid, it may, by notification in the *Official Gazette*, declare its intention to acquire the right of user therein.

(2) Every notification under sub-section (1) shall give a brief description of the land.

(3) The competent authority shall cause the substance of the notification to be published at such places and in such manner as may be prescribed.

Hearing of
objections.

4. (1) Any person interested in the land may, within thirty days from the date of the publication of notification under sub-section (1) of section 3, object to the laying of the pipelines under the land.

(2) Every objection shall be made to the competent authority in writing and shall set out the grounds thereof and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and may, after hearing all such objections and after making such further inquiry, if any, as that authority thinks necessary, by order either allow or disallow the objections.

(3) Any order made by the competent authority under sub-section (2) shall be final.

Power to
enter, survey,
etc.

5. On the issue of a notification under sub-section (1) of section 3, it shall be lawful for any person authorised by the State Government or, as the case may be, the Corporation which proposes to lay pipelines for transporting water or, as the case may be, gas and its servants and workmen—

- (a) to enter upon and survey and take levels of any land specified in the notification;
- (b) to dig or bore into the sub-soil;
- (c) to set out the intended line of work;
- (d) to mark such levels, boundaries and line by placing marks and cutting trenches;
- (e) where otherwise survey cannot be completed and levels taken and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle; and
- (f) to do all other acts necessary to ascertain whether pipelines can be laid under the land.

Provided that while exercising any power under this section, such person or any servant or workman of such person shall cause a little damage or injury as possible to such land.

Declaration of
acquisition of
right of user.

6. (1) Where no objection under sub-section (1) of section 4 has been made to the competent authority within the period specified therein or where the competent authority has disallowed the objections under sub-section (2) of that section, that authority shall, as soon as may be, submit a report accordingly to the State Government and upon

receipt of such report, the State Government shall declare, by notification in the *Official Gazette*, that the right of user in the land for laying the pipelines shall be acquired.

(2) On the publication of the declaration under sub-section (1), the right of user in the land shall vest absolutely in the State Government free from all encumbrances.

(3) Where in respect of any land, a notification has been issued under sub-section (1) of section 3, but no declaration under this section has been published within a period of one year from the date of that notification, that notification shall cease to have effect on the expiration of the said period.

(4) Notwithstanding anything contained in sub-section (2), the State Government may, on such terms and conditions as it may think fit, to impose, direct by order in writing that the right of user in the land for laying the pipelines shall, instead of vesting in the State Government, vest, either on the date of publication of the declaration or, on such other date as may be specified in the order, in the Corporation proposing to lay the pipelines and thereupon the right of such user in the land shall, subject to the terms and conditions so imposed, vest in that Corporation free from all encumbrances.

7. (1) Where the right of user in any land has vested in the State Government or, as the case may be, the Corporation under section 6—

Laying of
pipelines.

- (i) it shall be lawful for any person authorised by the State Government or, as the case may be, the Corporation, and its servants and workmen to enter upon the land and lay pipelines or to do any other thing necessary for the laying of pipelines:

Provided that no pipeline shall be laid under —

- (a) any land which, immediately before the date of the publication of notification under sub-section (1) of section 3, was used for residential purposes; or
 - (b) any land on which there stands any permanent structure which was in existence immediately before the said date; or
 - (c) any land which is appurtenant to a dwelling house; or
 - (d) any land at a depth which is less than one metre from the surface; and
- (ii) such land shall be used only for laying the pipelines and for maintaining, examining, repairing, altering or removing any such pipelines or for doing any other thing necessary for any of the aforesaid purposes or for the utilisation of such pipelines.

(2) If any dispute arises with regard to any matter referred to in paragraph (b) or (c) of the proviso to clause (i) of sub-section (1), the dispute shall be referred to the competent authority whose decision thereon shall be final.

8. For maintaining, examining, repairing, altering or removing any pipeline, or for doing any other thing necessary for the utilisation of the pipelines or for the making of any inspection or measurement for any of the aforesaid purposes, any person authorised in this behalf by the State Government or, as the case may be, the Corporation may, after giving reasonable notice to the occupier of the land under which the pipeline has been laid, enter therein with such workmen and assistants as may be necessary:

Power to c
land for
inspection,
etc.

Provided that, where such person is satisfied that an emergency exists, no such notice shall be necessary:

Provided further that, while exercising any powers under this section, such person or any workmen or assistants of such person, shall cause as little damage or injury as possible to such land.

9. (1) The owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6, shall be entitled to use the land for the purpose for which such land was put to use immediately before the date of the notification under sub-section (1) of section 3:

Restriction
regarding t
use of land.

Provided that such owner or occupier shall not after the declaration under sub-section (1) of section 6—

- (i) construct any building or any other structure;
- (ii) construct or excavate any tank, well, reservoir or dam; or
- (iii) plant any tree,
on that land.

(2) The owner or occupier of the land under which any pipeline has been laid shall not do any thing or permit any thing to be done which will or is likely to cause any damage in any manner whatsoever, to the pipeline.

(3) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6,—

- (a) constructs any building or any other structure, or
- (b) constructs or excavates any well, tank, reservoir or dam, or
- (c) plants any tree,

on that land, the Collector within the local limits of whose jurisdiction such land is situate may, on an application made to it by the competent authority and after holding such inquiry, as it may deem fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier.

Compensation. 10. (1) Where in the exercise of the powers conferred by section 5, 7 or 8 by any person, any damage, loss or injury is sustained by any person interested in the land under which the pipeline is proposed to be, or is being, or has been laid, the State Government or, as the case may be, the Corporation shall be liable to pay compensation to such person for such damage, loss or injury, the amount of which shall be determined by the competent authority in the first instance.

(2) If the amount of compensation, determined by the competent authority under sub-section (1) is not acceptable to either of the parties, the amount of compensation shall, on application by either of the parties to the Collector within the limits of whose jurisdiction the land or any part thereof is situated, be determined by that Collector.

(3) The competent authority or, as the case may be, the Collector while determining the compensation under sub-section (1) or, as the case may be, sub-section (2), shall have due regard to the damage or loss sustained by any person interested in the land by reason of—

- (i) the removal of trees or standing crops, if any, on the land while exercising the powers under section 5, 7 or, as the case may be, section 8;
- (ii) the temporary severance of the land under which the pipeline has been laid from other lands belonging to, or in the occupation of, such person; or
- (iii) any injury to any other property whether movable or immovable, or the earnings of such persons caused in any other manner:

Provided that in determining the compensation no account shall be taken of any structure or other improvement made in the land after the date of the publication of the notification under sub-section (1) of section 3.

(4) Where the right of user of any land has vested in the State Government or, as the case may be, the Corporation it shall, in addition to the compensation, if any, payable under sub-section (1), be liable to pay to the owner and to any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such vesting, compensation calculated at ten per cent. of the market value of that land on the date of the publication of the notification under sub-section (1) of section 3.

(5) The market value of the land on the said date shall be determined by the competent authority and if the value so determined by that authority is not acceptable to either of the parties, it shall, on application by either of the parties to the Collector referred to in sub-section (2), be determined by that Collector.

(6) The decision of the Collector under sub-section (2) or (5) shall be final.

11. (1) The amount of compensation determined under section 10 shall be deposited by the State Government or, as the case may be, the Corporation, with the competent authority within such time and in such manner as may be prescribed.

Deposit and
payment of
compensation.

(2) If the amount of compensation is not deposited within the time prescribed under sub-section (1), the State Government or, as the case may be, the Corporation, shall be liable to pay interest thereon at the rate of nine per cent. if the amount of compensation is deposited within one year after the period prescribed under sub-section (1) and at the rate of fifteen per cent. if the amount of compensation is deposited after the expiry of the said one year.

(3) As soon as may be after the compensation has been deposited under sub-section (1), the competent authority shall, on behalf of the State Government or, as the case may be, the Corporation pay the compensation to the persons entitled thereto.

(4) Where several persons claim to be interested in the amount of compensation deposited under sub-section (1), the competent authority shall determine the persons who in its opinion are entitled to receive the compensation and the amount payable to each of them.

(5) If any dispute arises as to the apportionment of the compensation or any part thereof or as to the persons to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the Collector within the limits of whose jurisdiction the land or any part thereof is situated and the decision of the Collector thereon shall be final.

12. The Collector and the competent authority shall have, for the purposes of this Act, all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

Protection of
action taken
in good faith.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) reception of evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing commission for examination of witnesses.

13. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rules or notification made or issued thereunder.

Collector and
competent
authority to
have certain
powers of civil
court.

(2) No suit or other legal proceeding shall lie against the State Government, Corporation or, as the case may be, the competent authority for any damage, loss or injury caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rules or notification made or issued thereunder.

14. No civil court shall have jurisdiction in respect of any matter which the Collector or, as the case may be, the competent authority is empowered by or under this Act to determine and no injunction shall be granted by any court or other authority in respect of any action taken or proposed to be taken in pursuance of any power conferred by or under this Act.

Bar of
jurisdiction of
civil court.

15. (1) Whoever wilfully obstructs any person in doing any of the acts authorised under section 5, 7 or as the case may be, section 8 or wilfully fills up, destroys, damages or displaces any trench or mark made under section 5 or wilfully does anything prohibited under the proviso to sub-section (1) of section 9, shall be punishable with imprisonment which may extend to six months or fine or both.

Penalty.

(2) Whoever wilfully removes, displaces, damages or destroys any pipeline laid under section 7, shall be punishable with rigorous imprisonment for a term which shall not be less than one year, but which may extend to three years and shall also be liable to fine.

5 of 1908.

2 of 1974.

16. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence falling under sub-section (2) of section 15 shall be deemed to be cognizable within the meaning of that Code.

Certain offences to be cognizable.

17. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

- (a) the places at which and the manner in which the substance of the notification may be published under sub-section (3) of section 3;
- (b) the time within which and the manner in which the amount of compensation shall be deposited under sub-section (1) of section 11.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

18. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force relating to the acquisition of land.

Application of other laws not barred.

STATEMENT OF OBJECTS AND REASONS

The State Government has undertaken the implementation of water supply projects in the State, the major one of which is Sardar Sarovar Canal Based Drinking Water Supply Project which itself will require laying of about 2700 Kms. of pipelines for transport of water from one place to another.

Gujarat Infrastructure Development Board has given locational clearance to some LNG import terminals in the State and the proposed gas grid shall link these LNG terminals and other gas supply sources to various demand centres in the State. The gas grid project linking various supply points including LNG terminals with various gas demand centres in and around Gujarat has been planned. The proposed gas grid is high pressure trunk pipeline system requiring laying of about 1500 kms of pipelines.

Although land can be acquired outright for laying such pipelines under the Land Acquisition Act, 1894, the procedure for such acquisition is long drawn and costly. Since the water and gas pipelines will be laid underground, outright acquisition of land is not necessary. Therefore, in the case of water and gas pipelines, it is considered sufficient to acquire the mere right of user in the land for laying and maintaining the pipelines. This Bill seeks to achieve the aforesaid objects.

The main features of the Bill are -

- (i) No right of user in land can be acquired for the purpose of laying pipelines unless the State Government declares its intention by notification in the *Official Gazette*, and unless objections, if any, filed within thirty days of that notification are disposed of by the competent authority.
- (ii) When final declaration about the acquisition is made, the right to use the land for the purpose of laying pipelines will vest in the State Government or, as the case may be, the Corporation but notwithstanding such acquisition, the owner or occupier of the land shall be entitled to use the land for the purpose for which such land was put to use immediately before the declaration by the State Government. But after the date of acquisition, he shall not construct any building or any other structure or construct or excavate any tank, well, reservoir or dam or plant any tree on that land.
- (iii) Compensation for the damage, loss or injury sustained by any person interested in the land shall be payable to such person. Besides this, compensation calculated at ten percent. of the market value of the land on the date of the preliminary notification is also payable to the owner and to any other person whose right of enjoyment in the land has been affected by reason of the acquisition. The compensation in both the cases is to be determined by the competent authority in the first instance and an appeal lies from the decision to the Collector.

The following notes on clauses explain, in brief, the important provisions of the Bill -

Clause 2. - This clause defines certain terms used in the Bill.

Clause 3. - This clause empowers the State Government by notification in the *Official Gazette*, to declare its intention to acquire the right of user in the land where it considers necessary for transport of water or gas from one area to another area to lay the pipeline in that land.

Clause 4. - This clause provides that any person who object to the laying of pipeline under the land within thirty days from the date of the notification and empowers the competent authority after giving to object or of opportunity of being heard to allow or disallow the objection.

Clause 5. - This clause empowers the State Government or the Corporation to enter upon and survey, to dig or bore into the sub soil, take levels and to set out the intended line of work etc. of any land in respect of which the notification has been issued.

Clause 6. – This clause provides that the competent authority shall submit a report where the objections have not been made within the specified time to the State Government in and this clause further empowers the State Government by notification in the *Official Gazette*, to declare that the right of user in the land for laying the pipelines shall be acquired and on publication of this notification, the right of user of land absolutely vests in the State Government or the Corporation free from all encumbrances.

Clause 7. – This clause empowers any person authorised by the State Government or the Corporation and its servants and workmen to enter upon the land and to lay pipeline or to do any other things necessary for laying the pipelines. It also restricts the Government or the Corporation to lay pipelines under any land which was used for residential purposes before the date of publication of the notification, any land on which permanent structure was in existence previously, any land appurtenant to a dwelling house or any land at a depth which is less than one metre from the surface.

Clause 8. – This clause empowers the State Government or the Corporation with necessary workmen and assistance to enter the land after giving reasonable notice to the occupier thereof for maintaining, examining, repairing altering or removing any pipeline.

Clause 9. – This clause entitles the owner or occupier of the land to use the land for the purpose for which it was put to use before the declaration has been made. It further restricts the owner or the occupier to construct any structure, excavate any tank, well, reservoir or dam, plant any tree on the land concerned. It also empowers the Collector to remove the building, the structure, reservoir, dam or tree on the application made by the competent authority where the occupier constructs such structure or building.

Clause 10. – This clause makes liable to the State Government or the Corporation to pay compensation to the person to whom the damage, loss or injury has been done while laying the pipelines. It empowers the Collector to determine the amount of compensation where it is not acceptable to either of the party. It also provides for certain factors which the Collector while determining the amount of compensation shall have due regard.

Clause 11. – This clause provides that the State Government or the Corporation shall deposit the amount of compensation with the competent authority within such time and in such manner as may be prescribed.

Clause 12. – This clause provides that the Collector and the competent authority shall have the powers of civil court while trying a suit under the Code of Civil Procedure in respect of the matters specified therein.

Clause 13. – This clause provides for usual indemnity for acts done in good faith.

Clause 14. – This clause provides for bar of jurisdiction of any civil court.

Clause 15. – This clause provides for penalty for contravention of the acts done by any person as specified therein.

Clause 16. – This clause provides for an offence falling under sub-clause (2) of clause 15 to be cognizable within the meaning of the Code of Criminal Procedure.

Clause 17. – This clause empowers the State Government by notification in the *Official Gazette*, to make rules for carrying out the purposes of this clause. Sub-clause (2) of this clause specifies the matters which the rules may provide.

NAROTTAMBHAI PATEL

FINANCIAL MEMORANDUM

Clause 10 of the Bill, if enacted and brought into force, would involve expenditure from the Consolidated Fund of the State on account of payment of any damage, loss or injury sustained by any person interested in the land on account of laying of pipelines by the State Government. The State Government would also be liable to pay compensation at the rate of ten percent. of the market value of the land, to the owner or any other person whose right of enjoyment in that land has been affected. The expenditure would be of a recurring nature but it is not feasible to estimate the same.

NAROTTAMBHAI PATEL**MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves delegation of legislative powers in the following respects, namely :-

Clause 3. - (i) Sub-clause (1) of this clause empowers the State Government to declare by notification in the *Official Gazette*, its intention to acquire the right of a user in land.

(ii) Sub-clause (3) of this clause empowers the State Government to prescribe by rules the places at which and the manner in which the competent authority shall cause the substance of the notification published.

Clause 6. - (i) Sub-clause (1) of this clause empowers the State Government to declare by notification in the *Official Gazette*, that the right of user in land for laying pipelines shall be acquired.

(ii) Sub-clause (4) of this clause empowers the State Government to direct by an order in writing that the right of user in the land for laying the pipelines shall vest in the Corporation proposing to lay the pipelines.

Clause 11. - This clause empowers the State Government to prescribe by rules the time within which and the manner in which the amount of compensation determined under section 10 shall be deposited by the State Government or the Corporation with the competent authority.

Clause 17. - This clause empowers the State Government to make rules by notification in the *Official Gazette*, generally for carrying out the purposes of the Act and particularly for all or any of the matters specified in sub-clause (2) thereof.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Gandhinagar,

Dated the 2nd March, 2000.

NAROTTAMBHAI PATEL

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERISecretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 2nd March, 2000

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.

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The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2000.

GUJARAT BILL NO. 7 OF 2000.

A BILL

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2000.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2000.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of two thousand four hundred eighteen crores, sixty lakhs, sixteen thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2000, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
Rs.24,18,60,16,000
from and out of the
Consolidated Fund
of the State of
Gujarat for the
financial year
1999-2000.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
1.	Agriculture and Co-operation Department	Revenue 1,000	---	1,000
2.	Agriculture	Revenue 58,81,41,000	2,54,000	58,83,95,000
3.	Minor Irrigation, Soil Conservation and Area Development	Revenue 41,000	---	41,000
4.	Animal Husbandry and Dairy Development	Revenue 6,94,10,000 Capital 1,54,00,000	2,30,000 ---	6,96,40,000 1,54,00,000
5.	Co-operation	Revenue 1,34,57,000 Capital 10,05,81,000	--- ---	1,34,57,000 10,05,81,000
7.	Education Department	Revenue 37,69,000	---	37,69,000
8.	Education	Revenue 4,59,04,05,000	8,59,57,000	4,67,63,62,000
9.	Other Expenditure pertaining to Education Department	Revenue 45,000	---	45,000
10.	Energy and Petro-Chemicals Department	Revenue 28,85,000	---	28,85,000
12.	Energy Projects	Revenue 50,00,00,000	---	50,00,00,000
13.	Other Expenditure pertaining to Energy and Petro-Chemicals Department	Revenue 1,00,000	---	1,00,000
14.	Finance Department	Revenue 1,000	---	1,000
15.	Tax Collection Charges (Finance Department)	Revenue 9,15,27,000	---	9,15,27,000
16.	Treasury and Accounts Administration	Revenue 4,66,39,000	4,000	4,66,43,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2		3	
17.	Pensions and Other Retirement Benefits	Revenue 4,00,00,00,000	---	4,00,00,00,000
18.	Other Expenditure pertaining to Finance Department	Revenue 2,000 Capital 82,00,000	--- ---	2,000 82,00,000
19.	Repayment of Debt pertaining to Finance Department and its servicing	Revenue --- Capital ---	16,74,49,000 6,98,79,81,000	16,74,49,000 6,98,79,81,000
20.	Food, Civil Supplies and Consumer Affairs Department	Revenue 5,12,000	---	5,12,000
21.	Civil Supplies	Revenue 46,75,24,000	---	46,75,24,000
22.	Food	Revenue 6,49,000	2,000	6,51,000
24.	Forests and Environment Department	Revenue 36,60,000	---	36,60,000
25.	Forests	Revenue 5,94,87,000 Capital 1,39,60,000	1,06,04,000 ---	7,00,91,000 1,39,60,000
28.	Governor	Revenue ---	1,57,000	1,57,000
29.	Council of Ministers	Revenue 47,50,000	---	47,50,000
30.	Elections	Revenue 48,60,43,000	---	48,60,43,000
31.	Public Service Commission	Revenue ---	42,10,000	42,10,000
32.	General Administration Department	Revenue 3,01,57,000	---	3,01,57,000
34.	Other Expenditure pertaining to General Administration Department	Revenue 39,43,000 Capital 5,26,54,000	1,20,000 ---	40,63,000 5,26,54,000
35.	State Legislature	Revenue 1,000	---	1,000
37.	Health and Family Welfare Department	Revenue 1,20,91,000	---	1,20,91,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
38.	Medical and Public Health	Revenue	37,72,24,000	77,000	37,73,01,000
40.	Other Expenditure pertaining to Health and Family Welfare Department	Revenue	3,10,000	52,000	3,62,000
41.	Home Department	Revenue	71,35,000	---	71,35,000
42.	Police	Revenue	43,56,67,000	14,90,000	43,71,57,000
44.	Transport	Revenue	6,00,92,000	3,000	6,00,95,000
46.	Other Expenditure pertaining to Home Department	Revenue Capital	2,000 70,63,000	---	2,000 70,63,000
47.	Industries and Mines Department	Revenue	44,96,000	---	44,96,000
48.	Stationery and Printing	Revenue	1,53,51,000	---	1,53,51,000
49.	Industries	Revenue	15,01,000	---	15,01,000
51.	Tourism	Revenue	5,00,000	---	5,00,000
52.	Other Expenditure pertaining to Industries and Mines Department	Revenue	10,00,24,000	---	10,00,24,000
53.	Information and Broadcasting Department	Revenue	10,05,000	---	10,05,000
55.	Other Expenditure pertaining to Information and Broadcasting Department	Revenue	42,21,000	---	42,21,000
56.	Labour and Employment Department	Revenue	7,80,000	---	7,80,000
57.	Labour and Employment	Revenue	1,66,58,000	---	1,66,58,000

No. of Vote/ Appropriation	Services and purposes		Sumis not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
59.	Legal Department	Revenue	1,000	---	1,000
		Capital	5,00,000	---	5,00,000
60.	Administration of Justice	Revenue	5,000	1,86,29,000	1,86,34,000
61.	Other Expenditure pertaining to Legal Department	Revenue	22,78,000	---	22,78,000
64.	Narmada, Water Resources and Water Supply Department	Revenue	92,05,000	---	92,05,000
66.	Irrigation and Soil Conservation	Revenue	16,75,19,000	3,48,000	16,78,67,000
		Capital	4,30,01,000	3,51,09,000	7,81,10,000
67.	Water Supply	Revenue	7,39,30,000	---	7,39,30,000
		Capital	32,50,00,000	---	32,50,00,000
68.	Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue	---	5,54,06,000	5,54,06,000
69.	Panchayats, Rural Housing and Rural Development Department	Revenue	13,65,000	---	13,65,000
71.	Rural Housing and Rural Development	Revenue	53,58,000	22,11,000	75,69,000
		Capital	1,10,00,000	---	1,10,00,000
73.	Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	32,09,85,000	---	32,09,85,000
74.	Fisheries	Revenue	1,000	---	1,000
75.	Other Expenditure pertaining to Ports and Fisheries Department	Revenue	1,71,000	---	1,71,000
76.	Revenue Department	Revenue	65,65,000	---	65,65,000
77.	Tax Collection Charges (Revenue Department)	Revenue	38,00,000	---	38,00,000

No. of Vote/ Appropriation	Services and purposes		Sumis not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
78.	District Administration	Revenue	35,63,000	---	35,63,000
79.	Relief on account of Natural Calamities	Revenue	1,72,19,71,000	---	1,72,19,71,000
80.	Dang District	Revenue	52,82,000	---	52,82,000
81.	Compensation and Assignment	Revenue	2,50,00,000	60,75,000	3,10,75,000
82.	Other Expenditure pertaining to Revenue Department	Revenue	42,25,000	---	42,25,000
		Capital	4,97,000	---	4,97,000
83.	Roads and Buildings Department	Revenue	29,00,000	---	29,00,000
84.	Non-Residential Buildings	Revenue	15,36,55,000	6,25,000	15,42,80,000
		Capital	2,000	---	2,000
85.	Residential Buildings	Revenue	1,31,85,000	19,000	1,32,04,000
		Capital	6,01,21,000	---	6,01,21,000
86.	Roads and Bridges	Revenue	23,13,53,000	79,56,000	23,93,09,000
		Capital	51,60,44,000	1,61,47,000	53,21,91,000
87.	Gujarat Capital Construction Scheme	Capital	20,00,000	2,07,000	22,07,000
88.	Other Expenditure pertaining to Roads and Buildings Department	Revenue	94,15,000	2,80,18,000	3,74,33,000
89.	Social Justice and Empowerment Department	Revenue	12,70,000	---	12,70,000
90.	Social Security and Welfare	Revenue	1,000	---	1,000
		Capital	76,000	---	76,000
93.	Special Component Plan for Scheduled Castes	Revenue	1,10,20,000	---	1,10,20,000
		Capital	16,70,000	---	16,70,000

Nó. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
94.	Tribal Area Sub-Plan	Revenue	4,41,15,000	24,55,000	4,65,70,000
		Capital	2,000	17,87,000	17,89,000
96.	Youth Services and Cultural Activities	Revenue	2,25,32,000	---	2,25,32,000
98.	Urban Development and Urban Housing Department	Revenue	3,31,000	---	3,31,000
99.	Urban Housing	Revenue	10,00,000	4,67,00,000	4,77,00,000
		Capital	49,31,00,000	---	49,31,00,000
100.	Urban Development	Revenue	19,11,22,000	---	19,11,22,000
		Capital	1,34,27,000	---	1,34,27,000
102.	Other Expenditure pertaining to Urban Development and Urban Housing Department	Revenue	81,07,000	---	81,07,000
<i>Total :</i>		Revenue :	15,04,14,36,000	43,90,51,000	15,48,04,87,000
		Capital :	1,66,42,98,000	7,04,12,31,000	8,70,55,29,000
Grand Total :			16,70,57,34,000	7,48,02,82,000	24,18,60,16,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2000.

The amounts are shown below :-

Rs.

(a) Revenue Expenditure	15,48,04,87,000
(b) Capital Expenditure	8,70,53,29,000
Total :	<u>24,18,60,16,000</u>

Gandhinagar,

Dated the 3rd March, 2000.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 3rd March, 2000



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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 9th March, 2000 by Shri. Usmanangani Dewadiwala is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO.8 OF 2000

THE GUJARAT PUBLIC ENTERPRISES SERVICE COMMISSION BILL, 2000.

A BILL

to provide for the constitution of a commission for the selection of staff for appointment to posts in public enterprises and for matters connected therewith and incidental thereto.

It is hereby enacted in the Fifty First Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Public Enterprises Service Commission Act, 2000.

Short title and Commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette* appoint.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) "Chairman" means the Chairman of the Commission.

(b) "Commission" means the Gujarat Public Enterprises Service Commission constituted under sub-section (1) of section -3;

(c) "Government" means the Government of Gujarat;

(d) "Notification" means notification published in the *Official Gazette* and the word "notified" shall be construed accordingly;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Public enterprise" means a public enterprise of the State of Gujarat whether created by law or registered under any law for the time being in force.

Constitution of the Gujarat Public Enterprises Service Commission.

3. (1) The State Government may, by notification, constitute a Commission by the name of the Gujarat Public Enterprises Service Commission.

(2) The Commission shall be a body corporate having perpetual succession and a common seal, shall sue and shall be sued by the said corporate name.

(3) The Headquarters of the Commission shall be located at such place as may be prescribed by the Government.

Constitution of the Commission.

4. (1) The Commission shall consist of not less than three and not more than nine members of whom one shall be the Chairman, to be appointed by the State Government.

(2) The Chairman and Members shall be persons who, in the opinion of the Government are man of ability, integrity and under standing and have special knowledge of or practical experience in the public administration or personnel management or industrial management.

Terms and conditions of service of Chairman and members.

5. (1) The Chairman or any other member of the Commission shall hold office for a term of three years from the date on which he enters upon his office:

Provided that a person who has held office as Chairman or other member shall, on the expiration of his term of office, be eligible for appointment for another term of three years only:

Provided further that no person who has attained the age of sixty two years shall be eligible to hold office in any capacity, whether as Chairman or other member.

(2) If the office of the Chairman or any other member becomes vacant by resignation or otherwise or if the Chairman is by reason of absence or for any other reason unable to perform the duties of his office, those duties shall until some person is appointed to the vacant office, or, as the case may be, until the Chairman has assumed his duties, be performed by such one of the other members as the Government may appoint for the purpose.

(3) The Chairman or any other member may resign his office, by writing under his hand, addressed to the Government but he shall continue in office, until his resignation is accepted by the Government.

(4) The salary of the Chairman and other members shall be such as may be prescribed by the Government and the other terms and conditions of service shall be such as may be prescribed.

Removal of Chairman or members.

6. The Government may, after making an inquiry in such manner as may be prescribed, remove the Chairman or any other member from his office on any one of the following grounds :-

(a) misconduct involving moral turpitude;

(b) insolvency;

(c) infirmity of mind or body or

(d) engages during his term of office in any paid employment outside the duties of his office.

Staff of the Commission.

7. (1) The Staff of the Commission shall consist of :-

(a) Secretary, who shall be appointed by the Government; and

(b) Such other employees as the Commission may, with the previous approval of the Government, appoint from time to time.

(2) The salary of the Secretary and other employees of the Commission shall be such as may be prescribed.

(3) The other terms and conditions of service of the Secretary and employees of the Commission shall be such as may be prescribed.

8. (1) Notwithstanding anything contained in any other law for the time being in force or in any contract, custom or usage to the contrary, it shall be the duty of the Commission to select persons for appointment to the posts in the public enterprises.

Functions of the Commission.

(2) It shall be the duty of the Commission to advise the public enterprises on such matters as may be referred to it.

9. It shall be the duty of every public enterprise to communicate to the Commission the vacancies existing at the commencement of this Act and estimated total number of vacancies in the public enterprises and such communication shall be sent in respect of all such existing and estimated total number of various vacancies and which are likely to occur during the unexpired portion of the year, within one month after such commencement and in respect of all vacancies such as are likely to occur during each subsequent year within one month after the commencement of such year.

Duty of Public Enterprises to the Commission to Communicate to Commission.

10. (1) The manner of selection of the persons for the appointment to the public enterprise shall be such as may be provided for by regulations.

Manner of Selection of persons and procedure for the conduct of the business of the Commission.

(2) The procedure for the conduct of business of the Commission shall be such as may be provided for by regulations.

11. It shall be the duty of the Commission to make recommendations to each of the public enterprises in such manner as may be specified by regulations for appointments to fill the vacancies, communicated to it by such public enterprises.

Duty of Commission to make recommendations.

12. (1) Appointments to all the vacancies required to be communicated to the Commission under section 9 shall, on or from such date as the Commission may notify in respect of each public enterprises be made by such public enterprise only on the recommendations of the Commission.

Communicated vacancies to be filed only on the recommendation of Commission.

(2) If in any year, the Commission is unable to make recommendations for appointment to all the vacancies communicated to it by a public enterprise under section 9, or if the public enterprise is unable in any year to make appointments on the basis of the recommendations made by the Commission, the vacancies may be carried forward to the subsequent year.

13. Notwithstanding anything contained in any other law for the time being in force, or in any contract, custom or usage to the contrary, appointments to the posts in public enterprises shall be made on the recommendations of the Commission.

Effect of recommendation of the Commission.

Power to
call for
record.

14. The Commission may, call for any record, report or any other information from any public enterprises if in its opinion, such record, report or other information is necessary for the efficient discharge of its functions, and the public enterprise shall furnish such record, report or other information to the Commission.

Obliga-
tions as
Secrecy.

15. The Chairman and members and the Secretary and other employees of the Commission shall maintain strictest secrecy regarding the affairs of the Commission and shall not divulge, directly or indirectly any information of a confidential nature to members of the public unless compelled to do so by any judicial or other authority or unless instructed to do so by superior officer in the discharge of his duties.

Chairman,
members
etc. to be
public
servants
under Act
XLV of
1860.

16. The Chairman, members, the Secretary and other employees of Commission appointed under this Act, shall while acting or purporting to act under this Act be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Procee-
dings not
to be
invalida-
ted by
reasons
of vacan-
cies etc.
in the
commis-
sion or
its co-
mmitees.

17. No act or proceeding of the Commission or any of its committees shall be deemed to be invalid by reasons or on the ground that the Chairman of the Commission or any member of the Commission or committee, as the case may be, was not entitled to hold or continue in such office, or by reason of such act or proceeding having been done or conducted during the period of any vacancy in office of the Chairman of the Commission or any of the members of the Commission or committee; as the case may be.

Protection
of action
taken in
goodfaith.

18. No suit, prosecution or other legal proceedings shall lie against any person for anything, which is in good faith done or intended to be done under this Act.

Power of
State
Govern-
ment to
make
Rules.

19. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) The power to make rules conferred by this section shall be subject to, the condition of the rules being made after previous publication.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid, or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

Power of
Commis-
sion
to make
Regula-
tions.

20. (1) The Commission may, by notification in the *Official Gazette*, make regulations with the previous approval of the State Government for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the terms and conditions of services of the employees of the Commission under sub-section (3) of section 7.

(b) the manner of selection of persons for appointment to the posts in the public enterprise under sub-section (1) of section 10;

(c) the procedure for the conduct of business of the Commission under sub-section (2) of section 10 and 18.

(d) the income and expenditure, budget accounts and audit and annual report of the Commission.

Dated the 5th February 2000,
Gandhinagar.

USMANGANI DEVARWALA,
M. L. A.

V-Ex-8-2

STATEMENT OF OBJECTS AND REASONS

At present each public enterprise (i.e. Government Company Corporation etc.) selects its staff in its own ways. There are so many complaints regarding irregularities and malpractices in the Selection of Staff. Some times, method of Selection of Staff is also not scientific. With a view, therefore to avoiding complaints regarding irregularities and malpractices in the selection of the staff for the public enterprises it is considered necessary to establish a Gujarat Public Enterprises Service Commission. The following notes on clauses explain the important provisions of the Bill:—

Clause 3.—This clause provides for the constitution of the Gujarat Public Enterprises Service Commission, which shall be a body corporate having perpetual succession.

Clause 4.—This clause provides for the Constitution of the Commission with members not less than three and not more than nine.

Clause 5.—This clause provides for terms and conditions of the office of Chairman and Members.

Clause 6.—This clause provides for the removal of members on certain grounds.

Clause 8.—This clause provides for the functions of the Commission.

Clause 9.—This clause imposes the Duty on the Public Enterprise to Communicate the vacancies in the Public Enterprises to the Commission.

Clause 12.—This clause provides that the vacancies in a public enterprise shall be filled only on the recommendation of the Commission.

Clause 16.—This clause provides that the chairman, members and other staffs shall be public servants within the meaning of the Indian Penal Code.

Clause 18.—This Clause is indemnity clause.

Clause 19.—This clause provides for the powers of the State Government to make rules for carrying out the purposes of this Act.

Dated the 5th February, 2000.
Gandhinagar.

USMANGANI DEWADIWALA,
M.L.A.

FINANCIAL MEMOR

Sub-Clause (4) of Clause 5 provides for the Salary, allowances and other conditions of service of the Chairman and other members commission.

Sub-Clause (2) and (3) of Clause 7 provides for the Salary, other terms and conditions of services of the Secretary and other employees on mission.

These provisions is enacted and brought into operation would involve an estimated annual expenditure of about rupees twenty lakhs from the Consolidated Fund of the State out of which about rupees ten lakhs would be of a recurring nature and about rupees ten lakhs would be of a non-recurring nature.

Dated the 5th February, 2000.
Gandhinagar.

USMANGANI DEWADIWALA,
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1.—Sub clause (2) of this clause empowers the State Government to appoint the date from which the Act shall come into force.

Clause 3.—Sub-clause (3) of this clause empowers the State Government to prescribe the place at which the Headquarters of the Commission, shall be located.

Clause 5.—Sub-clause (4) of this clause empowers the State Government to prescribe the salary of the Chairman and other members of the Commission and the other terms and conditions of their service.

Clause 6.—This clause empowers the State Government to prescribe the manner in which the inquiry shall be made.

Clause 7.—(i) Sub-clause (2) of this clause empowers the State Government to prescribe the salary of the Secretary and other employees of the Commission.

(ii) Sub-clause (3) of this clause empowers the State Government to prescribe the other terms and conditions of the service of Secretary and other employees of the Commission.

Clause 10.—(i) Sub-clause (1) of this clause empowers the Commission to provide by regulation the manner of selection of the persons for the appointment.

(ii) Sub-clause (2) of this clause empowers the Commission to provide by regulation the procedure for the conduct of its business.

Clause 11.—This clause empowers the Commission to specify the manner by regulations for making its recommendations to the public enterprises.

Clause 19.—This Clause empowers the State Government to make Rules for carrying out the purposes of this Act.

Clause 20.—This Clause empowers the Commission to make regulations with the previous approval of the State Government.

Dated the 5th February, 2000.
Gandhinagar.

USMANGANI DEWADIWALA,
M.L.A.

Gandhinagar,
Dated the 9th March, 2000.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 9th March, 2000 by Dr. Mayaben Kodnani is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO.9 OF 2000.

THE GUJARAT PROHIBITION OF SMOKING AND SPITTING BILL, 2000.

A BILL

to provide for prohibiting use of tobacco and spitting in places of public work or use and in public service vehicles in the State of Gujarat and to make provision for other matters connected therewith.

It is hereby enacted in the Fifty-first year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Prohibition of Smoking and Spitting Bill, 2000.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires:—

(a) "advertisement" means and includes any notice, circular, wall-paper, pamphlets, display on hordings or any visible representation made by means of any light sound, smoke gas, writing instruments, stickers, symbol, colours, logo, trade mark/ symbol, display on articles like T-shirts, shoes, sports wear, sports, gears caps, carry bags, telephone-booths, etc., or any other means which has direct or indirect effect of promoting smoking and or tobacco chewing and the expression "advertise" shall be construed accordingly.

Short title,
extent and
commence-
ment.

Definitions.

- (b) "authorised officer" means a person authorised under section 4 of this Act.
- (c) "Chewing" means chewing of tobacco, gul (tobacco), use of tobacco paste, supari with tobacco, pan masala, zarda, gutka and the like.
- (d) Government means the State Government of Gujarat.
- (e) "Official Gazette" means the Gujarat Government Gazette.
- (f) "Place of public work or use" means a place declared as such under section 3 of this Act, and includes auditoria, cinema/conference/seminar halls, hospital buildings, health institutions, amusement centres, restaurants, eating houses, hotel lounges, other waiting lounges, public offices, court buildings, educational institutions, libraries, bus-stations, ferry boats, places of worship, beaches, sports stadiums and the like which are visited by the general public but does not include other open place;
- (g) "Public service vehicle" means a vehicle as defined under the Motor vehicles Act 59 of 1988;
- (h) "Smoking" means smoking of tobacco in any form, whether in the form of cigarette, cigar, beedies, or otherwise with the aid of pipe, wrapper or any other instruments;
- (i) "Spitting" means voluntary ejection of saliva from the mouth after chewing or without chewing and ejection of mucus from the nose after inhaling or without inhaling;

Declaration of places of public work or use.

3. As soon as may be after the commencement of this Act and thereafter from time to time, the Government may, by notification in the Official Gazette, declare any place to be a place of public work or use in Gujarat for the purpose of this Act.

Power of Government to authorise officers to act under this Act.

4. (1) The Government may, by notification in the Official Gazette, authorise one or more persons who shall be competent to act under this Act.

(2) Every persons authorised under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Prohibition of smoking and spitting in places of public work or use.

5. No person shall smoke or spit in any place of public work or use.

Prohibition of smoking and spitting in public service vehicle.

6. Without prejudice to the provisions of the Motor Vehicles Act, 1988 no person shall smoke or spit while travelling in or using a public service vehicle.

59 of 1988.

45 of 1860.

59 of 1988.

7. Notwithstanding anything contained in any other law for the time being in force no person shall advertise or cause to advertise in any place and on any public service vehicle any material which may directly or indirectly promote smoking of chewing of tobacco products or products containing tobacco even if classified as by any other name.

Prohibition of advertisement of smoking and chewing.

8. No person shall sell cigarettes, beedies, chewing tobacco, gul (tobacco), tobacco paste, including tobacco based tooth paste, supari with tobacco, pan masala, zarda snuff, gutkas, or any other such smoking and/or chewing substance containing nicotine and/or tobacco to any person who is below the age Twenty one years.

Prohibition of sale of cigarettes, etc. to minors.

9. No person shall himself or by any person on his behalf, store, sell or distribute cigarettes, beedies, chewing tobacco, gul (tobacco), tobacco paste, supari with tobacco, pan masala, zarda, ghutka, snuff or any other such smoking substance or substances containing tobacco within an area of 100 metres around a place of worship or any college, school or other educational institutions.

Prohibition of storage, sale and distribution of cigarettes etc.

10. The owner or manager or incharge of every place of public work or use shall display and exhibit a board at a conspicuous place or places in and outside the premises visited or used by the general public prominently stating that the place is a "No Smoking and Spitting Zone" and that "Smoking/Spitting is an offence".

Display and exhibition of board.

11. (1) Sections 5, 6, 9 or 10 shall be punishable with fine which may extend to one thousand rupees and in case of second or subsequent offence, shall be punishable with a minimum fine of two thousand rupees, which may extend to five thousand rupees.

Any person who contravenes the provisions of Pun. ishment.

(2) Any person who contravenes the provisions of sections 7 and 8 shall be punishable with fine which may extend to one thousand rupees and in case of second or subsequent offence, shall be punishable with imprisonment which may extend to three months, or with a minimum fine of five thousand rupees which may extend to ten thousand rupees, or with both.

12. Any authorised officer or any police officer, not below the rank of a sub-inspector, may eject any person who contravenes any of the provisions of this Act, from the place of public work or use, and any driver/conductor of a public service vehicle may,

Power to eject violators.

eject any person who contravenes any of the provisions of this Act in the public service vehicles, from the public service vehicle.

13. (1) No court other than the court of a Judicial Magistrate First Class shall take cognizance of and try an offence under this act.

Court competent to take cognizance and try offences.

(2) No court shall take cognizance of any offence except on a complaint in writing of an authorised officer or an authorised representative of a recognised non-Govt. organisation devoted to the cause or controlling tobacco use/spitting with respect to offences under sections 5, 6, and 9 on report in writing of a police officer not below the rank of sub-inspector, or an authorised representative of a recognised non-Government organisation devoted to the cause of controlling tobacco use/spitting with respect to the offence under section 7, 8, 9 and 10.

2 of
1974.

14. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 offences under sections 5, 6, 7, 8 and 9 of this Act shall be cognizable and bailable.

Certain offences to be cognizable and bailable.

Summary
trial of
offences.

15. All offences under this Act shall be tried summarily in the manner provided for the summary trial under the Code of Criminal Procedure, 1973.

Power to
delegate.

16. The Government may, by notification in the official gazette, direct that any power exercisable by it under this Act, may also be exercisable by such officer and subject to such conditions, if any, as may be specified therein.

Compo-
sition of
offences.

17. (1) The Government may, by notification in the Official Gazette, empower the authorised officer or a police officer not below the rank of a sub-inspector to compound any offence committed under this Act on payment of a sum not less than rupees one thousand which may extend upto rupees five thousand by way of composition for the offence which such person is suspected to have committed.

(2) On payment of such sum to such officer, the offender if in custody, shall be released and no further proceedings shall be taken against such offender.

STATEMENT OF OBJECTS AND REASONS

It is a very well known fact proved scientifically that a person who consumes tobacco in any of the forms mentioned above in the Bill is prone to suffer more from those deadly diseases like cancers of oral cavity, lungs and Gastro intestinal tract, than the persons not consuming the tobacco. So it is true that the consumption of the tobacco in any of the forms is certainly injurious and hazardous to the health.

Smoking is not only dangerous to the consumer but is equally rather more harmful to the person living with the addict or to the other persons working along with the addict.

Spitting of the saliva and excretion of the nasal mucus here and there is very dangerous and serious threat to the health of the public and the society, as it causes many bacterial and viral and other air-borne diseases.

The polythene materials used for packing these tobacco products for the consumers increase in the solid waste and choking of the drainage systems. Smoke increases the air pollution.

Half of the earnings and the income is wasted in purchasing these costly products of the tobacco by the addicts and the consumers. Thereby leaving nothing for the expenses of the family, leading to poverty.

It is therefore essential to prohibit smoking and spitting in public places in the State of Gujarat in the general interest of the public at large.

Hence the Bill,

Dated the 8th February, 2000
Gandhinagar.

DR. MAYABEN KODNANI,
M.L.A.

V-EX 9-2

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub clause (5) of clause (1) empowers to the State Government to specify the date on which the Act shall come into force.

The delegation of Legislative powers as aforesaid is essential and of a normal character.

Passed the 8th February, 2000.
Gandhinagar.

DR. MAYABEN KODNANI,
M.L.A.

Gandhinagar,
Dated the 9th March, 2000.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 9th March, 2000 by Shri Usmangani Dewadiwala is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO.10 OF 2000.

THE GUJARAT PROHIBITION OF TRANSFER OF IMMOVABLE PROPERTY AND PROVISION FOR PROTECTION OF TENANTS FROM EVICTION FROM PREMISES IN DISTURBED AREAS (REPEAL) BILL, 2000.

A BILL

*to repeal the Gujarat Prohibition of Transfer of Immovable Property and Provision for
Protection of Tenants from Eviction from Premises in Disturbed Areas Act, 1991
in its application to the State of Gujarat.*

It is hereby enacted in the Fifty First year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from Premises in Disturbed Areas (Repeal) Act, 2000:

(2) It shall come into force at once:

Repeal
of Guj.
12 of
1991.

2. The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in Disturbed Areas Act, 1991 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 has been enacted by the State Legislature with a view to declare certain transfer of Immovable Properties in the disturbed Areas of the State to be void and to prohibit temporarily the transfers of Immovable Properties in such areas. Originally, the aforesaid provisions had been made by the Act of 1986 as the riots had then occurred in certain areas of the State during the period of March, 1985 with a result that mob belonging to one community resorted to riot and violence and thereby had rendered many residential houses and shop belonging to another community unfit for human habitation. Consequently many immovable properties had been transferred under the fear of insecurity in the disturbed areas at a low price. The 1986 Act was therefore, enacted with a view to making such transfers of immovable properties as void and prohibiting such transfers temporarily. Looking to the statement of objects and reasons appended to the 1986 Bill and the debates in the House on the Bill on 13th August, 1986, it is quite clear that this legislation was specifically enacted in 1986 in view of the large scale transfers of immovable properties under the fear of insecurity which was caused in the general public in the disturbed areas during that specific period of riots, disturbances and mob violence. The 1991 Act has repealed the 1986 Act and has enacted a permanent legislation to give power to the State Government to declare disturbed areas and prohibit transfer as and when such occasion arises.

The permanent legislation on the subject has created many hardships to the public at large. Under Section 3 of the aforesaid Act each and every person has to approach the collector office for obtaining previous sanction of the Collector for transfer of property and if the Collector after holding an inquiry for a longer time rejects the application, the person concerned has to file an appeal before the State Government. This created much hardships, wastage of time and money. Due to this legislation, even genuine transfers are also very much adversely affected. This has also become an instrument for wide-spread corruption and malpractices in the Administration. Each and every transfer has to pass through a clumsy and lengthy process. Due to the provisions of the Act, so many cases of transfers are lying at the Collector Office or at the Sachivalaya for a very long period and thereby the Government also loses a sizable revenue due to imposition of such restriction. Moreover, section 3 of the Act delegates the power of declaring the disturbed areas to the State Government. This delegation is not proper as the State Government can thereby declare the disturbed areas at any time by issuing just a notification and put the public at large of the area in a very much hardship even if there is no riot, disturbances or mob violence. There have been instances of the State Government publishing such a notification and declaring disturbed areas even if the whole State has remained very much peaceful. Such steps of the State Government have also been challenged in the Court of Law recently.

To avoid the mis-use by the authorities, the hardships and inconvenience to the Public at large and the wide-spread corruption and malpractices in the administration, the aforesaid Act is proposed to be repealed with immediate effect.

Hence this Bill.

Ahmedabad,

Dated 15th February, 2000.

USMANGANI DEVDIWALA
M.L.A.

Gandhinagar,

Dated 9th March, 2000.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 15th March, 2000 by Shri Dolatbhai Parmar is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO. 11 OF 2000.

THE GUJARAT LEGISLATIVE ASSEMBLY MEMBERS' SALARIES AND ALLOWANCES (AMENDMENT) BILL, 1999.

A BILL

further to amend the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960.

It is hereby enacted in the Fiftieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Legislative Assembly Members' Salaries and Allowances (Amendment) Act, 1999.

Short title
and commence-
ment.

(2) It shall come into force at once.

2. In the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 (hereinafter referred to as the Principal Act) in section 5B—

Amendment
of section 5B
of Guj. II of
1960.

(1) in the proviso, after the words "two other members of his family residing with and dependent on him", wherever they occur the words "or one other member of his family residing with and dependent on him and his personal assistant" shall be inserted,

(2) in the Explanation, after the words "two other members of his family residing with and dependent on him" wherever they occur, the words "or one other member of his family residing with and dependent on him and his personal assistant shall be inserted."

Guj. II of
1960.

Amendment
of section 6 of
Guj-II of 1960.

3. In the Principal Act, in section 6, in sub-section (3), in the proviso, after the words "two other members of his family residing with and dependent on him," the words "or one other member of his family residing with and dependent on him and his personal assistant" shall be inserted.

Amendment
of section 6AA
of Guj-II of
1960.

4. In the Principal Act, in Section 6AA,

(1) after the words "two other members of his family residing with and dependent on him" the words "or one other member of his family residing with and dependent on him and his personal assistant" shall be inserted.

(2) after the words "spouse and the members of his family" the words "or one other member of his family and his personal assistant" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

At present, under the existing provisions of the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960, a member is entitled to travel by railway by first class and by Road Transport Service in any part of India alone as well as with his spouse and two other members of his family. A member is not entitled to travel with his personal assistant. Sometime it becomes necessary for the member to take his personal assistant with him to assist him during his journey. It is, therefore necessary to amend the principal Act to provide accordingly.

Bill seeks to amend the Gujarat Legislative Assembly Members' Salaries and Allowances Act, 1960 in order to achieve the aforesaid object.

25th August, 1999,
Gandhinagar.

DOLATBHAI PARMAR,
M.L.A.

Gandhinagar,
15th March, 2000.

K. M. PANCHAL,
Secretary,
Gujarat Legislative Assembly.

ANNEXURE

EXTRACT FROM THE GUJARAT LEGISLATIVE ASSEMBLY MEMBERS'
SALARIES AND ALLOWANCES ACT, 1960.

Guj. II of 1960

Free transit
by Railway.

5B. Every member shall, with effect from such date as may be notified by the State Government in the *Official Gazette*, be provided with facilities which shall entitle him at any time to travel by first class or by second class air conditioned any railway in any part of the State of Gujarat and in any part of India in such manner and subject to such conditions as may by rules or orders be prescribed in that behalf :

Provided that such travel by railway in any part of India outside the State of Gujarat may be availed of by a member singly or jointly with his spouse and two other members of his family residing with and dependent on him, so however that the total distance so travelled by the member singly in any year does not exceed 10,000 kilometers and the total distance so travelled jointly by the member and his spouse and two other members of his family residing with and dependent on him in any year does not exceed 20,000 kilometres.

Explanation.—For the purpose of calculating the number of kilometers travelled by a member jointly with his spouse and two other members of his family residing with and dependent on him outside the State of Gujarat, the number of kilometers travelled by him and by his spouse and two other members of his family residing with and dependent on him shall be counted separately.

Free transit
by road
transport
service and
payment of
mileage.

6 (1) and (2)

(3) Every member shall, with effect from such date as may be notified by the State Government in the *Official Gazette*, be provided with facilities which shall entitle him at any time to travel by road transport service in any part of India outside the State of Gujarat in such manner and subject to such conditions as may, by rules or orders, be prescribed in that behalf :

Provided that such travel by road transport service in any part of India outside the State of Gujarat may be availed of by a member singly or jointly with his spouse and two other members of his family residing with and dependent on him subject to the limitation specified in the proviso to section 5B.

Free transit
by railway
and road
transport
service to
spouse of
member.

6AA. Where a member travels jointly with his spouse and two other members of his family residing with and dependent on him in any part of the State of Gujarat either by railway or by road transport service such spouse and the members of his family shall be entitled in respect of such travel to the same facility of free transit by railway or as the case may be, free transit by road transport service as such member is entitled under section 5B or, as the case may be, sub-section (1) of section 6.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported)

The following Bill is published with the consent of the Speaker given under
the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE BOMBAY STAMP (GUJARAT AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 12 OF 2000.

A BILL

further to amend the Bombay Stamp Act, 1958.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :-

1. (1) This Act may be called the Bombay Stamp (Gujarat Amendment)
Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force on the 1st April, 2000.

Bom. LX of
1958.

2. In the Bombay Stamp Act, 1958 (hereinafter referred to as "the principal
Act"), in section 32A, in sub-section (1), for the words "may either before or
after", the words "shall before" shall be substituted.

Amendment
of section 32A
of Bom. LX of
1958.

3. In the principal Act, in Schedule I,—

Amendment
of Schedule I to
Bom. LX of
1958.

(1) in article 2, for the words "forty rupees", the words "one hundred
rupees" shall be substituted;

(2) in article 4, for the words "Ten rupees", the words "Twenty rupees"
shall be substituted;

(3) in article 5, in clause (h), for the words "Twenty rupees", the words "Fifty rupees" shall be substituted;

(4) in article 10, for the words "forty rupees", the words "one hundred rupees" shall be substituted;

(5) in article 16, for the words "Twenty rupees", the words "Fifty rupees" shall be substituted;

(6) in article 20,—

(i) in clause (b), for the words "six rupees", the words "eight rupees" shall be substituted;

(ii) for clause (d), the following clause shall be substituted, namely :-

"(d) CONVEYANCE, so far as it relates to amalgamation of companies by an order of the High Court under section 394 of the Companies Act, 1956, where the aggregate amount comprising of the market-value of shares issued or allotted in exchange of or otherwise, or the face value of such shares, whichever is higher and the amount of consideration, if any, paid for such amalgamation—

I of 1956.

- | | |
|-----------------------------------------------------------------|------------------------------------------------------------------------------|
| (i) does not exceed Rs. 100 crores. | 2 per cent. of the aggregate amount, |
| (ii) exceeds Rs. 100 crores but does not exceed Rs. 500 crores. | Rs. 2 crores plus 1 per cent. of the amount which exceeds Rs. 100 crores. |
| (iii) exceeds Rs. 500 crores. | Rs. 6 crores plus 0.5 per cent. of the amount which exceeds Rs. 500 crores." |

(iii) For the *Explanation III*, the following *Explanation* shall be substituted, namely :-

" *Explanation III.*— For the purposes of clause (d), the market value of share-

(a) in relation to the transferee company whose shares are listed and quoted for trading on a Stock Exchange, means the market value of share as on the appointed date mentioned in the scheme of amalgamation or when appointed date is not so fixed, the date of order of the High Court,

(b) in relation to the transferee company, whose shares are not listed or listed but not quoted for trading on a Stock Exchange means the market value of the share issued or allotted with reference to the market value of share of the transferor company,

(c) where the transferee company and transferor company, whose shares are not listed or listed but not quoted for trading on Stock Exchange means the face value of the share issued or allotted with reference to the face value of share of the transferee company.";

(7) in article 22, for the words "twenty rupees", the words "fifty rupees" shall be substituted;

(8) in article 23, for the words "forty rupees", the words "one hundred rupees" shall be substituted;

(9) in article 24, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(10) in article 29, for the words "sixty rupees", the words "one hundred rupees" shall be substituted;

(11) in article 33, for the words "Thirty rupees", the words "Fifty rupees" shall be substituted;

(12) in article 38, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(13) in article 41, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(14) in article 45,—

(i) in clauses (a), (b), (c) and (h) for the words "Twenty rupees", the words "One hundred rupees" shall be substituted;

(ii) in clause (d) for the words "Fifty rupees", the words "One hundred rupees" shall be substituted;

(15) in article 46, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(16) in article 47, for the words "Ten rupees", the words "Twenty rupees" shall be substituted;

(17) in article 48, for the words "sixty rupees", the words "one hundred rupees" shall be substituted;

(18) in article 49, for the words "sixty rupees", the words "one hundred rupees" shall be substituted;

(19) in article 55, for the words "sixty rupees", the words "one hundred rupees" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Bombay Stamp Act, 1958 with a view to giving effect to the proposal contained in the Budget Speech of the Finance Minister in the Gujarat Legislative Assembly on the 22nd February, 2000.

Gandhinagar,

Dated the 15th March, 2000.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H.K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,

Dated the 16th March, 2000.

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT SALES TAX (SECOND AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 13 OF 2000.

A BILL

further to amend the Gujarat Sales Tax Act, 1969.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :-

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| <p>1. (1) This Act may be called the Gujarat Sales Tax (Second Amendment) Act, 2000.</p> <p>(2) It shall come into force on the 1st April, 2000.</p> | <p>Short title and commencement.</p> |
| <p>Guj. 1 of 1970. 2. In the Gujarat Sales Tax Act, 1969 (hereinafter referred to as "the principal Act"), in section 2,-</p> <p>(1) before clause (1), the following clause shall be inserted, namely:-</p> <p>"(1A) "additional tax" means the additional tax levied under section 4A;"</p> <p>(2) in clause (32), after the words "under this Act", the words "but does not include additional tax" shall be inserted.</p> | <p>Amendment of section 2 of Guj. 1 of 1970.</p> |

Insertion of
new section
4A in Guj. 1
of 1970.

3. In the principal Act, after section 4, the following new section shall be inserted, namely :-

Levy of
additional
tax.

" 4A (1) There shall be levied and collected for a period of one year from the date of commencement of the Gujarat Sales Tax (Second Amendment) Act, 2000, from every dealer liable to pay tax under section 3 or section 3A or under section 4, an additional tax on the sale or purchase of goods liable to tax under this Act, at the rate of ten paise in the rupee on the sales tax, general sales tax or, as the case may be, purchase tax, payable by such dealer :

Guj. of
2000.

Provided that the additional tax shall not be levied in respect of the sale or purchase of any of the declared goods.

(2) Except as provided in sub-section (1), the provisions of this Act and the rules made thereunder shall, so far as may be, apply in relation to the additional tax payable under sub-section (1), as they apply in relation to the tax payable by a dealer under this Act.

(3) For the removal of any doubt, it is hereby declared that —

(a) additional tax levied under sub-section (1) shall not be construed as partaking of the character of sales tax, general sales tax or, as the case may be, purchase tax, on which it is levied ; and

(b) the additional tax shall be distinct from sales tax, general sales tax, or, as the case may be, purchase tax."

Amendment
of section 30B
of Guj.1 of
1970.

4. In the principal Act, in section 30B,—

(1) for sub-section (2), the following shall be substituted, namely :-

"(2) Where it appears necessary to the authority referred to in section 29 or the Commissioner so to do for the proper realisation of the tax, interest and penalty payable, or which has become due for payment, for any period of any year, he may, at any time, by an order in writing and for reasons to be recorded therein, require a registered dealer to furnish in the prescribed manner and within such time as may be specified in the order, such security or if such dealer has already furnished any security, such additional security, as may be specified in the order."

(2) in sub-section (4),—

(i) for the portion beginning with the words "shall not exceed the amount of tax payable" and ending with the words "required to be furnished", the following shall be substituted, namely :-

"or the Commissioner shall not exceed the amount of tax, interest and penalty payable or which has become due for payment for any period of any year according to the estimate of the authority referred to in sub-section (1) or the Commissioner, on the turnover of sales or turnover of purchases of goods of such dealer for any period of any year."

(3) in sub-sections (5), (6) and (8), for words and figures "The authority referred to in section 29", the words, figures and brackets "The authority referred to in sub-section(1) or (2) or, as the case may be, the Commissioner" shall be substituted.

5. In the principal Act, in section 59 AAA, in sub-section (2), after the words "A registered dealer", the words " or any other person" shall be inserted.

Amendment
of section 59
AAA of Guj.
1 of 1970.

6. In the principal Act, in Schedule II, in Part A, in the entry at serial No. 144, in columns 3 and 4, for the words "two paise", the words "four paise" shall be substituted.

Amendment
of Schedule
II, Part A to
Guj. 1 of
1970.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Gujarat Sales Tax Act, 1969 with a view to giving effect to the proposal contained in the Budget Speech of the Finance Minister in the Gujarat Legislative Assembly on the 22nd February, 2000.

An opportunity is taken to make provision empowering the registering authority as well as the Commissioner to require a dealer to furnish security and additional security in respect of the dues of tax, penalty and interest of previous years with a view to safeguarding the realisation of such dues. Section 30B is proposed to amend accordingly.

Under the existing provisions of section 59AAA, a registered dealer is required to make a declaration when he imports the specified goods from any other State to the State of Gujarat. In order to curb evasion of tax on specified goods that are brought by a person from other State, it is proposed to cast a duty upon such person to make such declaration. Section 59AAA is proposed to amend to achieve this object.

Gandhinagar,

Dated the 15th March, 2000.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

KUM. H.K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,

Dated the 16th March, 2000.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under
the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT REPEALING BILL, 2000.

GUJARAT BILL NO. 14 OF 2000.

A BILL

to repeal certain Acts.

Whereas it is expedient to repeal certain obsolete Acts, it is hereby
enacted in the Fifty-first Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Repealing Act, 2000. Short title.
2. In this Act, unless the context otherwise requires, "Land Definition.
Tenure Abolition Act" means an Act specified in Part I of the
Schedule.

Repeal of certain
Acts.

3. The Acts specified in the Schedule are hereby repealed.

Savings.

4. (1) Notwithstanding the repeal of Land Tenure Abolition Act (hereinafter in this sub-section and sub-section (2) referred to as "the said Act") by section 3,-

(a) land made liable to payment of land revenue in accordance with the Bombay Land Revenue Code, 1879 and the rules made thereunder by the said Act shall continue to be so liable, and

Bom. V
of 1879.

(b) the liability to pay land revenue levied under the said Code imposed on the holder of land by the said Act shall continue.

(2) The repeal of the said Act by section 3 shall not affect--

(a) any restriction imposed by the said Act on transfer of land; or

(b) the application of the provisions of the Bombay Tenancy and Agricultural Lands Act, 1948 or, as the case may be, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, to any land or the relationship between holder of land or, as the case may be, landlord and his tenant made by the said Act.

Bom. LXVII
of 1948.

Bom. XCIX of
1958.

(3) Without prejudice to the provisions contained in sub-sections (1) and (2) and subject thereto, section 7 of the Bombay General Clauses Act, 1904 shall apply in relation to the repeal of the Act specified in the Schedule as if the Act had been an enactment within the meaning of the said section 7.

Bom. I of
1904.

SCHEDULE

(See section 3)

PART I

Year 1	No. 2	Short title of the Act 3
1949	Bom. XXXII	The Bombay Bhagdari and Narwadari Tenures Abolition Act, 1949.
1949	Bom. LXI	The Bombay Maleki Tenure Abolition Act, 1949.
1949	Bom. LXIII	The Panch Mahals Mehwassi Tenure Abolition Act, 1949.
1950	Bom. LX	The Bombay Paragana and Kulkarni Vatahs (Abolition) Act, 1950.
1950	Bom. LXII	The Bombay Watwa Vazifdari Rights Abolition Act, 1950.
1953	Bom. XLIII	The Bombay Personal Inams Abolition Act, 1952.
1953	Bom. XLIII	The Bombay Merged Territories (Ankadia Tenure Abolition) Act, 1953.
1953	Bom. XLVI	The Bombay Merged Territories (Baroda Watan Abolition) Act, 1953.
1953	Bom. XLVIII	The Bombay Merged Territories Matadari Tenure Abolition Act, 1953.
1953	Bom. LXX	The Bombay Service Inams (Useful to Community) Abolition Act, 1953.
1954	Bom. 1	The Bombay (Okhamandal Salami Tenure Abolition) Act, 1953.
1954	Bom. XXXIX	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1954.
1955	Bom. XXI	The Bombay Bhil Naik Inams Abolition Act, 1955.
1955	Bom. XXII	The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.

1	2	3
1959	Bom. 1	The Bombay Inferior Village Watans Abolition Act, 1958.
1959	Bom. XXXI	The Bombay Ankadia Tenure (Saurashtra Area) Abolition Act, 1959.
1959	Bom. XXXV	The Bombay Bandhijama, Udhad and Ugadia Tenures Abolition Act, 1959.
1959	Bom. LXV	The Bombay (Saurashtra Area) Aghat Tenure and Ijaras Abolition Act, 1959.
1961	Guj. XLVIII	The Gujarat Patel Watans Abolition Act, 1961.
1963	Guj. XXXIII	The Gujarat Surviving Alienations Abolition Act, 1963.
1969	Guj. XVI	The Gujarat Devasthan Inams Abolition Act, 1969.

PART II

Year 1	No. 2	Short title of the Act 3
1863	Bom. II	The Exemption from Land-revenue (No.1) Act, 1863.
1863	Bom.VII	The Exemption from Land-revenue (No.2) Act, 1863.
1874	Bom.III	The Bombay Hereditary Offices Act, 1874.
1878	Bom. V	The Bombay Abkari Act, 1878.
1882	Bom.VII	The Bombay Landing and Wharfage Fees Act, 1882.
1887	Bom.VI	The Matadars Act, 1887.
1889	Bom. I	The Bombay Village Sanitation Act, 1889.
1892	Bom.1	The Bombay District Vaccination Act, 1892.
1918	Bom.VI	The Bombay Disqualification of Alien Act, 1918.
1926	Bom.XI	The Invalidation of Hindu Ceremonial Emoluments Act, 1926
1936	Bom.XX	The Bombay Opium Smoking Act, 1936.

1	2	3
1938	Bom. XXII	The Bombay Forfeited Lands Restoration Act, 1938.
1947	Bom. XXVIII	The Bombay Agricultural Debtors Relief Act, 1947.
1948	Bom. XXII	The Bombay Refugees Act, 1948.
1953	Bom. XXXVIII	The Bombay Land Tenures Abolition (Amendment) Act, 1953.
1953	Bom. L	The Bombay Land Tenures Abolition (Recovery of Records) Act, 1953.
1954	Bom. XXIII	The Saurashtra Agricultural Debtors' Relief Act, 1954.
1955	Bom. LI	The Bombay Land Tenures Abolition (Amendment) Act, 1955.
1956	Bom. XL	The Bombay Land Tenures Abolition (Amendment) Act, 1956.
1958	Bom. LVII	The Bombay Land Tenure Abolition Laws (Amendment) Act, 1958.
1961	Guj. XLIV	The Gujarat Land Tenures Abolition (Extension of Period for Claiming Compensation) Act, 1961.
1964	Guj. 3	The Gujarat Smoke-nuisance Act, 1963.
1965	Guj. 23	The Gujarat Land Tenures Abolition Laws (Amendment) Act, 1965.

V-EX. 14-2

STATEMENT OF OBJECTS AND REASONS

The Gujarat State Law Commission has, in its various reports, recommended repeal of certain Acts on the ground that they have become obsolete and, therefore, require to be removed from the Statute Book.

In so far as the various Land Tenure Abolition Acts are concerned, the Commission was of the view that as proceedings regarding payment of compensation for abolition of Land Tenures in most of the cases were complete, the said Acts were no longer required to be kept on Statute Book. In respect of some other Acts, the Commission was of the view that they were impliedly repealed by Central Acts or that they were no longer required to be administered in view of the changed circumstances.

In pursuance of the said recommendations of the State Law Commission, it is considered necessary to repeal certain obsolete Acts.

Certain Land Tenure Abolition Acts contain provisions making the land liable to payment of land revenue, imposing liability to pay land revenue on the holder of land, restricting transfer of land and applying the provisions of Bombay Tenancy and Agricultural Lands Act, 1948 or the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 to the land or relationship between a holder of land or landlord and his tenant. It is, therefore, proposed to save the aforesaid liability, restriction and application.

This Bill seeks to achieve the aforesaid objects

Gandhinagar,

Dated the 16th March, 2000.

Sureshchandra Mehta

By order and in the name of the Governor of Gujarat,

KUM. H.K.JHAVERI,
Secretary to the Government of Gujarat.
Legislative and Parliamentary Affairs Department.

Gandhinagar,

Dated the 18th March, 2000.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given
under the proviso to rule 127 A of the Gujarat Legislative Assembly
Rules:-

THE GUJARAT PREVENTION OF ANTI-SOCIAL ACTIVITIES (AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 15 OF 2000.

A BILL

further to amend the Gujarat Prevention of Anti-social Activities Act, 1985.

It is hereby enacted in the Fifty-first Year of the Republic of India as
follows :-

1. This Act may be called the Gujarat Prevention of Anti-social Activities (Amendment) Act, 2000. Short title.

Guj.16 of 1985. 2. In the Gujarat Prevention of Anti-social Activities Act, 1985 (hereinafter referred to as "the principal Act"), in section 2, - Amendment of section 2 of Guj. 16 of 1985.

(1) after clause (b), the following clauses shall be inserted, namely :-

"(bb) "common gaming house keeper" means a person who, having been convicted of an offence punishable under section 4 of the Bombay Prevention of Gambling Act, 1887, within a period of three years from the date of such conviction either by himself or as a member or leader of a gang habitually commits or attempts to commit or abets the commission of an offence punishable under that section;

Bom. IV of
1887.

(bbb) "cruel person" means a person, who either by himself or as a member or leader of a gang, habitually commits or attempts to commit or abets the commission of an offence punishable under section 8 of the Bombay Animal Preservation Act, 1954;".

Bom. LXXII of
1954.

Amendment of
section 3 of
Guj. 16 of
1985.

3. In the principal Act, in section 3, in sub-section (4), for the words "as a bootlegger", the words "as a bootlegger or common gaming house keeper or cruel person" shall be substituted.

STATEMENT OF OBJECTS AND REASONS.

It is noticed that activities of a person keeping common gaming house punishable under section 4 of the Bombay Prevention of Gambling Act, 1887 and activities of a person unauthorisedly killing animals, punishable under section 8 of the Bombay Animal Preservation Act, 1954, which are anti-social in character, in certain circumstances cause feeling of insecurity among the general public and also grave and widespread danger to the life of the public and thereby affect the maintenance of public order in the State. With a view to maintaining the public order in the State, it is considered necessary to prevent such persons from carrying on anti-social activities and for that purpose, it is proposed to amend the Gujarat Prevention of Anti-social Activities Act, 1985 to achieve the aforesaid object.

Gandhinagar,
Dated the 18th March, 2000.

HAREN PANDYA

By order and in the name of the Governor of Gujarat,

KUM. H.K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 21st March, 2000.

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT TAX ON LUXURIES (HOTELS AND LODGING HOUSES) (AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 16 OF 2000.

A BILL

further to amend the Gujarat Tax on Luxuries (Hotels and Lodging Houses)

Act, 1977.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Act, 2000.

Short title and
commencement.

- (2) It shall come into force on the 1st April, 2000.

Guj. 24
of 1977.

2. In the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977 (hereinafter referred to as "the principal Act"), in section 3, in sub-section (1), for clauses (a) to (c), the following clauses shall be substituted, namely:—

Amendment of
section 3 of
Guj. 24 of
1977.

- | | |
|------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| (a) Where the charges for lodging are not more than two hundred rupees per day per person. | Nil |
| (b) Where the charges for lodging are more than two hundred rupees but not more than four hundred rupees per day per person. | 7.5 per cent. of such charge. |
| (c) Where the charges for lodging are more than four hundred rupees but not more than six hundred rupees per day per person. | 10 per cent. of such charge. |
| (d) Where the charges for lodging are more than six hundred rupees per day per person. | 15 per cent. of such charge." |

Insertion of new sections 4A and 4B in Guj. 24 of 1977.

3. In the principal Act, after section 4, the following sections shall be inserted, namely:—

"4A. (1) No proprietor of a hotel liable to pay tax under section 3 shall provide luxury to a person in a hotel without obtaining a valid certificate of registration from the Collector:

Registration.

Guj. of 2000.

Provided that the provisions of this sub-section shall not be deemed to have been contravened, if the proprietor having applied for such registration as provided in this section, within six months from the date of the commencement of the Gujarat Tax on Luxuries (Hotels and Lodging Houses) (Amendment) Act, 2000, provides luxury to a person in a hotel.

(2) Every proprietor providing luxury in a hotel shall apply to the Collector in such form, in such manner and on payment of such fee, as may be prescribed,

(3) If the Collector is satisfied that the requirements of provisions of this Act and the rules made thereunder have been complied with, he may issue a certificate of registration in such form and on such terms and conditions as may be prescribed.

Power to revoke or suspend the certificate of registration.

4B. In the event of any contravention by the holder of certificate of registration of any of the terms and conditions of the certificate of registration or of any of the provisions of this Act or rules made thereunder, the Collector may revoke the certificate of registration or suspend it for such period, as he may think fit:

Provided that no certificate of registration shall be revoked or suspended without giving a reasonable opportunity of being heard to the holder thereof."

Amendment of section 9 of Guj. 24 of 1977.

4. In the principal Act, in section 9, in sub-section (1), after the words and figure "under section 7", the words, figures and letters " or by the order of the Collector under section 4A or 4B" shall be inserted.

Amendment of section 21 of Guj. 24 of 1977.

5. In the principal Act, in section 21, in sub-section (2), before clause (a), the following clauses shall be inserted, namely:—

"(aa) the form in which, the manner in which and fee on payment of which the proprietor shall apply under sub-section (2) of section 4A;

(aaa) the form in which and the terms and conditions subject to which certificate of registration may be issued under sub-section (3) of section 4A;"

STATEMENT OF OBJECTS AND REASONS.

This Bill seeks to amend section 3 of the Gujarat Tax on Luxuries (Hotels and Lodging Houses) Act, 1977 with a view to giving effect to the proposal contained in the Budget Speech of the Finance Minister in the Gujarat Legislative Assembly on the 22nd February, 2000.

In order to have smooth implementation of the provisions of the Act, an opportunity is also taken to amend the provisions of the Act prohibiting the proprietor of a hotel liable to pay tax to provide luxury to a person in a hotel without obtaining a valid certificate of registration. Proposed new sections 4A and 4B provide accordingly.

KESHUBHAI PATEL.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects, namely :-

Clause 3. - (i) Sub-section (2) of section 4A sought to be inserted by this clause empowers the State Government to prescribe by rules the form in which, the manner in which and the fee on payment of which the proprietor shall apply for certificate of registration.

(ii) Sub-section (3) of section 4A sought to be inserted by this clause empowers the State Government to prescribe by rules the form in which and the terms and conditions subject to which certificate of registration may be issued by the Collector.

Clause 5. - (i) Clause (aa) of sub-section (2) of section 21 sought to be inserted by this clause empowers the State Government to prescribe by rules the form in which, the manner in which and fee on payment of which the proprietor shall apply under sub-section (2) of section 4A.

(ii) Clause (aaa) of sub-section (2) of section 21 sought to be inserted by this clause empowers the State Government to prescribe by rules the form in which and the terms and conditions subject to which certificate of registration may be issued under sub-section (3) of section 4A.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Gandhinagar,

Dated the 21st March, 2000.

KESHUBHAI PATEL.

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, Dated the 21st March, 2000.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules:-

THE BOMBAY MOTOR VEHICLES TAX (GUJARAT AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 17 OF 2000.

A BILL

further to amend the Bombay Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

1. (1) This Act may be called the Bombay Motor Vehicles Tax (Gujarat Amendment) Act, 2000. Short title and commencement.

(2) It shall come into force on the 1st April, 2000.

Bom. LXV of 1958. 2. In the Bombay Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the principal Act"), in section 3A,— Amendment of section 3A of Bom. LXV of 1958.

(1) in sub-section (1), in the Table,—

(i) in entry 1,—

(a) against clause (a), for the letters and figures "Rs. 2,000", the letters and figures "Rs. 3,000" shall be substituted;

(b) against clause (b), for the letters and figures "Rs. 3,000", the letters and figures "Rs. 4,500" shall be substituted;

(ii) in entry 2,—

(a) against clause (a), for the letters and figures "Rs. 3,000", the letters and figures "Rs. 4,500" shall be substituted;

(b) against clause (b), for the letters and figures "Rs. 4,000", the letters and figures "Rs. 6,000" shall be substituted;

(2) in sub-section (3), in clause (a), —

(a) for the letters and figures "Rs. 144", the letters and figures "Rs. 216" shall be substituted ;

(b) for the letters and figures " Rs. 160 " , the letters and figures " Rs. 240 " shall be substituted ;

(3) in sub-section (5), —

(A) in clause (a), —

(a) for the words " each complete month of the period", the words " the month" shall be substituted;

(b) in sub-clause (i), for the words "five hundred and one rupees", the words "two hundred fifty rupees" shall be substituted;

(c) in sub-clause (ii), for the words "seven hundred and fifty rupees", the words "three hundred seventy-five rupees" shall be substituted;

(d) in sub-clause (iii), for the words "nine hundred rupees", the words "three hundred seventy-five rupees" shall be substituted;

(e) in sub-clause (iv), for the words "one thousand rupees", the words "five hundred rupees" shall be substituted;

(f) in the proviso, for the word " months", the word "month" shall be substituted.

(B) in clause (b), for the portion beginning with the words "the designated omnibus in respect of which the tax has been paid" and ending with the words "three months in a year", the following shall be substituted, namely :—

"the designated omnibus in respect of which tax has been paid, has not been used or kept for use for a period exceeding one month in a year on account of an accident which is registered in the police station or of the order of the competent court or the Government authority."

3. In the principal Act, in the First Schedule, in Part I, after clause IV, the following clause shall be inserted, namely :—

"IV-A Private Service Vehicles

Rs. 500 for every person permitted to be carried."

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend the Bombay Motor Vehicles Tax Act, 1958 with a view to giving effect to the Budget proposal contained in the Budget Speech of the Finance Minister in the Gujarat Legislative Assembly on the 22nd February, 2000.

Dated the 21st March, 2000.

BIMAL SHAH

By order and in the name of the Governor of Gujarat,

KUM. H.K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,

Dated the 22nd March, 2000.

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT ENTERTAINMENTS TAX (AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 13 OF 2000.

A BILL

further to amend the Gujarat Entertainment Tax Act, 1977.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Gujarat Entertainment Tax (Amendment) Act, 2000.

Short title and commencement.

(2) It shall come into force on the 1st April, 2000.

Guj. 16 of 1977.

2. In the Gujarat Entertainment Tax Act, 1977 (hereinafter referred to as "the principal Act"), in section 3, for sub-section (1), the following shall be substituted, namely:—

Amendment of section 3 of Guj. 16 of 1977.

" (1) There shall be levied and paid to the State Government on,—

(a) every payment for admission to an entertainment a tax at the rate of 50 per cent. of such payment,

(b) every payment for admission of a motor vehicle into the auditorium of a cinema known as Drive-in-Cinema, if such payment is separately charged by the proprietor for such admission, a tax at the rate of 50 per cent. of such payment."

Amendment
of section 6 of
Guj. 16
of 1977.

3. In the principal Act, in section 6, in sub-section (5), in the *Explanation*, in clause (i), in the proviso, for the words "three lakhs", the words "one lakh" shall be substituted.

Amendment
of Schedule I
to Guj. 16
of 1977.

4. In the principal Act, in Schedule I, the entry at Sr. No. 4 shall be deleted.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend sections 3 and 6 of and Schedule I to the Gujarat Entertainments Tax Act, 1977, with a view to giving effect to the proposal contained in the Budget Speech of the Finance Minister in the Legislative Assembly on the 22nd February, 2000.

KESHUBHAI PATEL.

Dated the 23rd March, 2000

By order and in the name of the Governor of Gujarat,

KUM. H.K. JHAVERI,Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, Dated the 23rd March, 2000

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT APPROPRIATION BILL, 2000.

GUJARAT BILL NO. 19 OF 2000.

A BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2001.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :—

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| 1. This Act may be called the Gujarat Appropriation Act, 2000. | Short title. |
| 2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of twenty four thousand three hundred eighty-nine crores, eighty-two lakhs, twenty thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2000-2001, in respect of the services and purposes specified in column 2 of the Schedule. | Withdrawal of Rs. 2,43,89,82,20,000 from and out of the Consolidated Fund of the State of Gujarat for the financial year 2000-2001. |
| 3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. | Appropriation. |

SCHEDULE
(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
1.	Agriculture and Co-operation Department	Revenue	3,87,40,000	—	3,87,40,000
2.	Agriculture	Revenue	2,71,61,99,000	—	2,71,61,99,000
		Capital	5,81,00,000	—	5,81,00,000
3.	Minor Irrigation, Soil Conservation and Area Development	Revenue	78,14,71,000	—	78,14,71,000
		Capital	3,00,60,000	—	3,00,60,000
4.	Animal Husbandry and Dairy Development	Revenue	65,10,68,000	—	65,10,68,000
		Capital	1,00,000	—	1,00,000
5.	Co-operation	Revenue	39,71,19,000	—	39,71,19,000
		Capital	25,38,78,000	—	25,38,78,000
6.	Other expenditure pertaining to Agriculture and Co-operation Department.	Capital	3,54,25,000	—	3,54,25,000
7.	Education Department	Revenue	2,72,45,000	—	2,72,45,000
8.	Education	Revenue	34,42,06,30,000	98,01,50,000	35,40,07,80,000
		Capital	2,10,000	—	2,10,000
9.	Other expenditure pertaining to Education Department	Revenue	3,89,42,000	—	3,89,42,000
		Capital	48,26,60,000	—	48,26,60,000
10.	Energy and Petro- Chemicals Department	Revenue	1,55,18,000	—	1,55,18,000
11.	Tax Collection Charges (Energy and Petro-Chemicals Department)	Revenue	6,04,68,000	—	6,04,68,000
12.	Energy Projects	Revenue	13,59,95,00,000	2,00,00,000	13,61,95,00,000
		Capital	4,11,17,00,000	—	4,11,17,00,000
13.	Other expenditure pertaining to Energy and Petro-Chemicals Department	Revenue	30,00,000	—	30,00,000
		Capital	20,14,81,000	—	20,14,81,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
14.	Finance Department	Revenue	6,74,58,000	—	6,74,58,000
		Capital	10,16,000	—	10,16,000
15.	Tax Collection Charges (Finance Department)	Revenue	77,80,10,000	—	77,80,10,000
16.	Treasury and Accounts Administration	Revenue	40,64,94,000	—	40,64,94,000
17.	Pension and other Retirement Benefits	Revenue	11,50,74,20,000	6,00,000	11,50,80,20,000
18.	Other expenditure pertaining to Finance Department	Revenue	3,29,72,20,000	—	3,29,72,20,000
		Capital	5,49,20,000	1,00,000	5,50,20,000
19.	Repayment of debt pertaining to Finance Department and its Servicing	Revenue	—	32,10,96,12,000	32,10,96,12,000
		Capital	—	9,81,63,19,000	9,81,63,19,000
20.	Food, Civil Supplies and Consumer Affairs Department	Revenue	7,89,27,000	—	7,89,27,000
21.	Civil Supplies	Revenue	1,36,69,81,000	—	1,36,69,81,000
		Capital	2,000	—	2,000
22.	Food	Revenue	12,31,00,000	—	12,31,00,000
		Capital	25,01,000	—	25,01,000
23.	Other expenditure pertaining to Food, Civil Supplies and Consumer Affairs Department	Revenue	—	1,000	1,000
		Capital	82,75,000	—	82,75,000
24.	Forests and Environment Department	Revenue	1,86,15,000	—	1,86,15,000
25.	Forests	Revenue	95,70,79,000	—	95,70,79,000
		Capital	1,46,67,73,000	—	1,46,67,73,000
26.	Environment	Revenue	8,54,00,000	—	8,54,00,000
27.	Other expenditure pertaining to Forests and Environment Department.	Capital	3,92,00,000	—	3,92,00,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
28.	Governor	Revenue	—	2,04,80,000	2,04,80,000
29.	Council of Ministers	Revenue	3,61,30,000	—	3,61,30,000
30.	Elections	Revenue	4,45,74,000	—	4,45,74,000
31.	Public Service Commission	Revenue	87,07,000	2,29,90,000	3,16,97,000
32.	General Administration Department	Revenue	1,17,81,08,000	—	1,17,81,08,000
33.	Economic Advice and Statistics	Revenue	9,45,74,000	—	9,45,74,000
34.	Other expenditure pertaining to General Administration Department	Revenue	1,86,31,54,000	5,00,000	1,86,36,54,000
		Capital	44,57,50,000	—	44,57,50,000
35.	State Legislature	Revenue	8,34,79,000	7,40,000	8,42,19,000
36.	Loans and Advances to Government servants in Gujarat Legislature Secretariat.	Capital	25,13,000	—	25,13,000
37.	Health and Family Welfare Department.	Revenue	4,01,43,000	—	4,01,43,000
38.	Medical and Public Health	Revenue	6,79,82,34,000	—	6,79,82,34,000
39.	Family Welfare	Revenue	1,59,39,09,000	—	1,59,39,09,000
40.	Other expenditure pertaining to Health and Family Welfare Department	Revenue	99,39,00,000	—	99,39,00,000
		Capital	9,34,05,000	—	9,34,05,000
41.	Home Department	Revenue	6,81,77,000	—	6,81,77,000
42.	Police	Revenue	6,80,44,33,000	—	6,80,44,33,000
43.	Jails	Revenue	22,95,43,000	—	22,95,43,000
44.	Transport	Revenue	89,97,98,000	—	89,97,98,000
		Capital	45,00,00,000	—	45,00,00,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2			3	
45.	State Excise	Revenue	5,09,60,000	—	5,09,60,000
46.	Other expenditure pertaining to Home Department	Revenue	47,29,17,000	2,00,000	47,31,17,000
		Capital	61,39,00,000	—	61,39,00,000
47.	Industries, Mines and Tourism Department	Revenue	5,36,74,000	—	5,36,74,000
48.	Stationery and Printing	Revenue	45,50,71,000	—	45,50,71,000
49.	Industries	Revenue	2,60,94,57,000	—	2,60,94,57,000
		Capital	1,24,16,05,000	—	1,24,16,05,000
50.	Mines and Minerals	Revenue	27,02,06,000	—	27,02,06,000
51.	Tourism	Revenue	24,28,69,000	—	24,28,69,000
		Capital	2,50,00,000	—	2,50,00,000
52.	Other expenditure pertaining to Industries, Mines and Tourism Department	Revenue	7,61,95,000	—	7,61,95,000
		Capital	3,32,30,000	—	3,32,30,000
53.	Information and Broadcasting Department	Revenue	69,45,000	—	69,45,000
54.	Information and Publicity	Revenue	26,45,85,000	—	26,45,85,000
55.	Other expenditure pertaining to Information and Broadcasting Department	Revenue	2,27,60,000	—	2,27,60,000
		Capital	2,57,65,000	—	2,57,65,000
56.	Labour and Employment Department	Revenue	1,58,10,000	—	1,58,10,000
57.	Labour and Employment	Revenue	1,15,36,29,000	—	1,15,36,29,000
		Capital	11,05,000	—	11,05,000
58.	Other expenditure pertaining to Labour and Employment Department	Capital	18,00,75,000	—	18,00,75,000
59.	Legal Department	Revenue	2,32,57,000	—	2,32,57,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
60.	Administration of Justice	Revenue	86,93,13,000	14,14,45,000	1,01,07,58,000
61.	Other expenditure pertaining to Legal Department	Revenue	4,21,40,000	—	4,21,40,000
		Capital	4,33,38,000	—	4,33,38,000
62.	Legislative and Parliamentary Affairs Department	Revenue	1,91,72,000	—	1,91,72,000
63.	Other expenditure pertaining to Legislative and Parliamentary Affairs Department	Capital	15,10,000	—	15,10,000
64.	Narmada, Water Resources and Water Supply Department	Revenue	5,04,00,000	—	5,04,00,000
65.	Narmada Development Scheme	Capital	14,29,65,99,000	—	14,29,65,99,000
66.	Irrigation and Soil Conservation	Revenue	18,35,48,40,000	—	18,35,48,40,000
		Capital	3,61,25,00,000	—	3,61,25,00,000
67.	Water Supply	Revenue	1,30,44,00,000	—	1,30,44,00,000
		Capital	4,62,65,00,000	—	4,62,65,00,000
68.	Other expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue	* 50,000	—	50,000
		Capital	11,22,50,000	—	11,22,50,000
69.	Panchayats, Rural Housing and Rural Development Department	Revenue	2,81,20,000	—	2,81,20,000
70.	Community Development	Revenue	2,76,04,88,000	—	2,76,04,88,000
71.	Rural Housing and Rural Development	Revenue	3,54,10,18,000	1,48,30,57,000	5,02,40,75,000
		Capital	27,34,50,000	—	27,34,50,000
72.	Compensations and Assignments	Revenue	29,31,65,000	—	29,31,65,000
73.	Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department	Revenue	52,63,57,000	—	52,63,57,000
		Capital	27,50,85,000	—	27,50,85,000
74.	Fisheries	Revenue	24,37,65,000	—	24,37,65,000
		Capital	9,89,01,000	—	9,89,01,000

No. of Vote/ Appropriation	Services and purposes	Sums not exceeding		
		Voted	Charged on the Consolidated Fund	Total
1	2	3		
75.	Other expenditure pertaining to Ports and Fisheries Department	Revenue 82,00,000 Capital 95,45,000	— —	82,00,000 95,45,000
76.	Revenue Department	Revenue 7,11,35,000	—	7,11,35,000
77.	Tax Collection Charges (Revenue Department)	Revenue 52,19,20,000	—	52,19,20,000
78.	District Administration	Revenue 66,20,10,000	—	66,20,10,000
79.	Relief on account of Natural Calamities	Revenue 3,31,56,00,000	—	3,31,56,00,000
80.	Dang District	Revenue 16,28,08,000	—	16,28,08,000
81.	Compensation and Assignments	Revenue 20,49,30,000 Capital 7,00,000	11,50,000 3,00,000	20,60,80,000 10,00,000
82.	Other expenditure pertaining to Revenue Department	Revenue 33,25,000 Capital 2,77,90,000	1,000 —	33,26,000 2,77,90,000
83.	Roads and Buildings Department	Revenue 6,51,00,000	—	6,51,00,000
84.	Non-Residential Buildings	Revenue 2,10,81,79,000 Capital 1,12,93,40,000	5,50,000 —	2,10,87,29,000 1,12,93,40,000
85.	Residential Buildings	Revenue 74,96,58,000 Capital 19,49,62,000	— —	74,96,58,000 19,49,62,000
86.	Roads and Bridges	Revenue 4,78,72,82,000 Capital 3,37,65,68,000	— —	4,78,72,82,000 3,37,65,68,000
87.	Gujarat Capital Construction Scheme	Revenue 7,61,35,000 Capital 32,75,00,000	— —	7,61,35,000 32,75,00,000
88.	Other expenditure pertaining to Roads and Buildings Department	Revenue 10,68,00,000 Capital 22,03,90,000	— —	10,68,00,000 22,03,90,000
89.	Social Justice and Empowerment Department	Revenue 2,73,80,000	—	2,73,80,000
90.	Social Security and Welfare	Revenue 2,51,30,16,000 Capital 3,58,45,000	64,30,000 —	2,51,94,46,000 3,58,45,000
91.	Welfare of Scheduled Tribes	Revenue 58,80,45,000 Capital 3,27,92,000	— —	58,80,45,000 3,27,92,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1	2		3		
92.	Other expenditure pertaining to Social Justice and Empowerment Department.	Capital	1,67,20,000	—	1,67,20,000
93.	Special Component Plan for Scheduled Castes	Revenue	3,33,31,25,000	—	3,33,31,25,000
		Capital	16,38,28,000	—	16,38,28,000
94.	Tribal Area Sub-Plan	Revenue	8,88,03,99,000	—	8,88,03,99,000
		Capital	2,05,57,05,000	—	2,05,57,05,000
95.	Sports, Youth and Cultural Activities Department.	Revenue	1,23,01,000	—	1,23,01,000
96.	Youth Services and Cultural Activity.	Revenue	31,37,71,000	—	31,37,71,000
97.	Other expenditure pertaining to Sports, Youth and Cultural Activities Department.	Capital	25,35,000	—	25,35,000
98.	Urban Development and Urban Housing Department.	Revenue	1,62,75,000	—	1,62,75,000
99.	Urban Housing	Revenue	11,06,50,000	45,04,04,000	56,10,54,000
100.	Urban Development	Revenue	2,32,23,31,000	—	2,32,23,31,000
		Capital	12,50,00,000	—	12,50,00,000
101.	Compensation, Assignments and Tax Collection Charges	Revenue	77,10,00,000	25,01,03,000	1,02,11,03,000
102.	Other expenditure pertaining to Urban Development and Urban Housing Department.	Revenue	1,68,21,000	—	1,68,21,000
		Capital	18,60,000	—	18,60,000
Total :		Revenue	1,57,67,32,26,000	35,48,84,13,000	1,93,16,16,39,000
		Capital	40,91,98,62,000	9,81,67,19,000	50,73,65,81,000
Grand Total :			1,98,59,30,88,000	45,30,51,32,000	2,43,89,82,20,000

STATEMENT OF OBJECTS AND REASONS

Article 204(1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet-

(a) the grants so made by the Assembly, and

(b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the Expenditure charged on the Consolidated Fund of this State for the financial year ending on the 31st March, 2001.

The amounts are shown below :-

Rs.

(a)	Revenue Expenditure	1,93,16,16,39,000
(b)	Capital Expenditure	50,73,65,81,000
	Total :	<u>2,43,89,82,20,000</u>

Dated the 24th March, 2000.

VAJUBHAI VALA

By order and in the name of the Governor of Gujarat,

KUM. H.K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 24th March, 2000.

V - Ex.19-3



The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

VOL. XLI]

MONDAY, MARCH 27, 2000/CAITRA 7, 1922

Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the
proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

THE BOMBAY PROVINCIAL MUNICIPAL CORPORATIONS (GUJARAT AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 20 OF 2000.

A BILL

further to amend the Bombay Provincial Municipal Corporations Act, 1949.

It is hereby enacted in the Fifty-first Year of the Republic of India as
follows :—

1. This Act may be called the Bombay Provincial Municipal Corporations
(Gujarat Amendment) Act, 2000.

Short title
and com-
mencement.

(2) It shall come into force on such date as the State Government may, by
notification in the *Official Gazette*, appoint.

Bom. LIX of
1949.

2. In the Bombay Provincial Municipal Corporations Act, 1949 (hereinafter
referred to as "the principal Act"), in section 19,—

Amendment
of section 19
of Bom. LIX
of 1949.

(1) in sub-section (1),—

(i) for the words "in the same month in each succeeding year", the
words "on expiry of succeeding two and half years" shall be substituted; and

(ii) the words "and another to be the Deputy Mayor" shall be deleted;

(2) before sub-section (1A), the following sub-section shall be inserted, namely :—

“(1AA) The Corporation shall at its first meeting after general election and at its first meeting in the same month in each succeeding year elect from amongst the councillors one of its members to be the Deputy Mayor.”.

Amendment
of section
29A of Bom.
LIX of 1949.

3. In the principal Act, in section 29A,—

(1) in sub-section (1), for the words "State Government", the words "Municipal Corporation, subject to the rules made by the State Government," shall be substituted;

(2) in sub-section (2), clause (b) shall be deleted.

Amendment
of section 43
of Bom. LIX
of 1949.

4. In the principal Act, in section 43,—

(1) in sub-section (2), for the words "shall have the same right of being present at a meeting of the Corporation and of taking", the words "shall remain present at a meeting of the Corporation and to take" shall be substituted;

(2) in sub-section (4), for the words "have the same right of being present at a meeting of Standing Committee or a Sub-Committee and of taking", the words "remain present at a meeting of the Standing Committee or of a Sub-Committee and to take" shall be substituted.

Amendment
of section 67
of Bom. LIX
of 1949.

5. In the principal Act, in section 67, after sub-section (3), the following sub-sections shall be inserted, namely :—

"(3A) (a) The Municipal Commissioner shall consult the Mayor in respect of any proposal involving policy, of development work on a large scale or having a large financial implication, before such proposal is submitted to the Standing Committee or to any other Committee.

(b) Where the Mayor considers that any proposal involving development work is necessary to be undertaken, he may direct the Municipal Commissioner to place such proposal before the Municipal Corporation, Standing Committee or any other Committee, for its consideration.

(c) The Municipal Commissioner shall, while submitting any proposal to the Standing Committee or other Committees, send simultaneously a copy of such proposal to the Mayor for information.

(3AA) The Mayor may convene a meeting of the Deputy Mayor, Municipal Commissioner, Officers, Chairman and Members of the Committees of the Corporation for reviewing the action taken in pursuance of the resolution passed by the Corporation, Standing Committee or other Special Committees of the Corporation in respect of undertaking the development works. The mayor may assign *inter-se* priority to such development works to be undertaken and give direction to the Municipal Commissioner to get such work to be undertaken immediately according to priority so assigned and the Municipal Commissioner shall, subject to the provisions of this Act, carry out such directions.”.

6. In the principal Act, in section 343, in sub-section (2), for the portion beginning with the words "such excess charge" and ending with the words "may determine in this behalf", the following shall be substituted, namely :—

Amendment of section 343 of Bom. LIX of 1949.

"such excess charge—

(a) not exceeding one hundred rupees as the Transport Manager, with the approval of the Transport Committee, may determine in this behalf, or

(b) equivalent to twenty times the ordinary single fare, whichever is less."

7. In Appendix II to the principal Act, -

Amendment of Appendix H to Bom. LIX of 1949. -

(a) in part I, -

(i) against the fine of fifty rupees mentioned in column 2, in column 1, the figures "381" shall be deleted;

(ii) against the fine of one hundred rupees mentioned in column 2, in column 1, the figures "382" shall be deleted;

(iii) in column 2, below the fine "One thousand rupees" the fine of "Five thousand rupees" shall be added and against the fine of five thousand rupees as so added, in column 1, the figures "381" shall be added;

(iv) in column 2, below the fine of "Five thousand rupees" as so added, the fine of "Seven thousand rupees" shall be added and against the fine of Seven thousand rupees as so added, in column 1, the figures "382" shall be added;

(b) in Part II, -

(i) against the fine of Five rupees mentioned in column 2, in column 1, the figures "381" shall be deleted;

(ii) against the fine of Ten rupees mentioned in column 2, in column 1, the figures "382" shall be deleted;

(iii) against the fine of Fifty rupees mentioned in column 2, in column 1, after the figures and brackets "378(1)", the figures "381" shall be inserted;

(iv) against the fine of One hundred rupees mentioned in column 2, in column 1, after the figures, letter and brackets "284G(8)", the figures "382" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The term of the office of the Mayor is fixed for a period of one year under section 19 of the Bombay Municipal Corporations Act, 1949. Such term is short one and inadequate for Mayor in discharging his duties efficiently. It is, therefore, proposed to amend section 19 so as to provide that the term of office of the Mayor shall be for a period of two and half years.

Under sub-section (1) of section 29A, the State Government is empowered to constitute ward committees and under clause (b) of sub-section (2) of said section 29A, the State Government is empowered to nominate members not exceeding five, to the Ward Committee. In order to allow the local self Government to manage their own municipal affairs, it is proposed to take power to the Municipal Corporation to constitute ward committee. Section-29A is proposed to amend accordingly.

In order to have a proper co-ordination and to ensure proper implementation of the decision taken by the Corporation, it is made obligatory on the Municipal Commissioner to remain present at a meeting of the Corporation, Standing Committee and other Committees. Section 43 is proposed to amend accordingly.

With a view to have the views of the Mayor about matters involving policy, of development work on a large scale, or having a large financial implication, it is proposed that Municipal Commissioner shall consult the Mayor for such proposals before the same is submitted to the Standing Committee or any other committees of the Corporation. It is also proposed that the Commissioner shall send simultaneously copy of all proposals to the Mayor, when he submits the proposal to the Standing Committee or any other Committee. New sub-section (3A) of section 67 is proposed to provide accordingly.

Since the Mayor is elected by the Councillor who are representative of the people, it is considered necessary that the Mayor may have power to convene meeting of the Deputy Mayor, Municipal Commissioner, Officers, Chairman and members of the committees of the Corporation and also to review the actions taken in respect of undertaking development works. He may also have power to assign inter-se priority to such development works and to give directions to the Municipal Commissioner for to get such work undertaken immediately according to priority so assigned. New sub-section (3AA) of section 67 is proposed to provide accordingly.

Sub-section (2) of section 343 imposed liability on a passenger travelling unauthorizedly in any vehicle of the Transport Undertaking without ticket or without payment of proper fare, to pay excess charge not exceeding ten rupees as the Transport Manager, with the approval of the Transport Committee, may determine in this behalf. With a view to discouraging the tendency of such unauthorized travel, it is considered necessary to increase the existing ceiling of excess charge from ten rupees to hundred rupees or a sum equivalent to twenty times the amount of fare, whichever is less. Amendment in sub-section (2) of section 343 is proposed to amend accordingly.

It is also considered necessary to enhance amount of the maximum fine in respect of offences of sale of the items specified in section 381 or carrying out the business as specified in section 382 without obtaining a licence.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

PARMANAND KHATTAR

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respects, namely:-

Clause 1.-Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 24th March, 2000.

PARMANAND KHATTAR.

By order and in the name of the Governor of Gujarat,

KUM. H. K. JHAVERI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar, dated the 24th March, 2000.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR



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EXTRAORDINARY

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 30th March, 2000 by Shri Usmangani Devadiwala M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO.21 OF 2000.

The Gujarat Protection of interests of Depositors (in Financial Establishments) Bill, 2000

A BILL

to provide for the protection of the interests of depositors of the Financial Establishments and in the State of Gujarat for matters relating thereto.

1. (1) This Act may be called the Gujarat Protection of Interests of Depositors (In Financial Establishments) Act, 2000.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires :-

Defini-
tions.

(a) "Competent Authority" means the Competent Authority appointed under section 5;

(b) "Deposit" includes and shall be deemed always to have included any receipt of money or acceptance of any valuable commodity by any Financial Establishment to be returned after a specified period or otherwise, either in cash or in kind or in the form of a specified service with or without any benefit in the form of interest, bonus, profit or in any other form, but does not include-

(i) amount raised by way of share capital or by way of debenture, bond or any other instrument covered under the guidelines given, and regulations made, by the SEBI, established under the Securities and Exchange Board of India Act, 1992; 15 of 1992.

(ii) amounts contributed as capital by partners of firm;

(iii) amounts received from a Scheduled Bank or a Co-operative Bank or any other banking company as defined in clause (c) of section 5 of the Banking Regulations Act, 1949; 10 of 1949.

(iv) any amount received from,

(a) the Industrial Development Bank of India,

(b) the Gujarat State Financial corporation,

(c) any financial institution specified by or under section 6A of the Industrial Development Bank of India Act, 1964, or 18 of 1964.

(d) any other institution that may be specified by the Government in this behalf;

(v) amounts received in the ordinary course of business by way of,-

(a) security deposit,

(b) dealership deposit,

(c) earnest money,

(d) advance against order for goods or services;

(vi) any amount received from an individual or a firm or an association of individuals not being a body corporate, registered under any enactment relating to money lending which is for the time being in force in the State; and

(vii) any amount received by way of subscriptions in respect of a Chit.

Explanation I.— "Chit" has the meaning as assigned to it in clause (b) of section 2 of the Chit Funds Act, 1962; 40 of 1982.

Explanation II.—Any credit given by a seller to a buyer on the sale of any property (whether movable or immovable) shall not be deemed to be deposit for the purposes of this clause; 10 of 1949.

(c) "Designated court" means the Designated Court Constituted under section 6;

(d) "Financial Establishment" means any person accepting deposit under any scheme or arrangement or in any other manner but does not include

a corporation or a Co-operative society owned or controlled by any State Government of the Central Government or a banking company as defined under clause (c) of section 5 of the Banking Regulations Act, 1949;

(e) "Government" means the Government of the State of Gujarat;

3. Any Financial Establishment, which fraudulently defaults any repayment of deposit on maturity along with any benefit in the form of interest, bonus, profit or in any other form as promised or fraudulently fails to render service as assured against the deposit every person including the promoter, partner, director, manager or any other person or an employee responsible for the management of or conducting of the business or affairs of such Financial Establishment shall, on conviction, be punished with imprisonment for a term which may extend to six years and with fine which may extend to one lac of rupees and such Financial Establishment also shall be liable for a fine which may extend to one lac of rupees.

Fraudulent
default by
Financial
Establish-
ment.

Explanation.—For the purpose of this section, a Financial Establishment, which commits default in repayment of such deposit with such benefits in the form of interest, bonus, profit or in any other form as promised or fails to render any specified service Promised against such deposit, or fails to render any specific Service agreed against the deposit with an intention of causing wrongful gain to one person or wrongful loss to another person or commits such default due to its inability arising out of impracticable or, commercially not viable promises made while accepting such deposit or arising out of deployment of money or assets acquired out of the deposits in such a manner as it involves inherent risk in recovering the same when needed shall, be deemed to have committed a default or failed to render the specific service, fraudulently.

4. (1) Notwithstanding anything contained in any other law for the time being in force,—

(i) where upon complaints received from the depositors or otherwise, the Government is satisfied that any Financial Establishment has failed,—

Attachment
of proper-
ties on
default of
return of
deposits.

(a) to return the deposit after maturity or on demand by the depositor; or

(b) to pay interest or other assured benefit; or

(c) to provide the service promised against such deposit; or

(ii) where the Government has reason to believe that any Financial Establishment is acting in a calculated manner detrimental to the interest of the depositors with an intention to defraud them;

and if the Government is satisfied that such Financial Establishment is not likely to return the deposits or make payment of interest or other benefits assured or to provide the services against which the deposit is received, the Government may, in order to protect the interest of the depositors of such Financial Establishment, after recording reasons in writing, issue an order by publishing it in the *Official Gazette*, attaching the money or other property

believed to have been acquired by such Financial Establishment either in its own name or in the name of any other person from out of the deposits, collected by the Financial Establishment, or if it transpires that such money or other property is not available for attachment or not sufficient for repayment of the deposits, such other property of the said Financial Establishment or the promoter, director or partner or manager or member of the said Financial Establishment as the Government may think fit.

(2) On the publication of the order under sub-section (1), all the properties and assets of the Financial Establishment and the persons mentioned therein shall forthwith vest in the Competent Authority appointed by the Government, pending further order from the Designated Court.

(3) The Collector of a District shall be competent to receive the complaints from his District under sub-section (1) and he shall forward the same together with his report to the Government at the earliest and shall send a copy of the complaint also to the concerned District Police Superintendent or Commissioner of Police, as the case may be, for investigation.

Appoint-
ment of
Competent
Authority.

5. (1) The Government may while issuing the order under sub-section (1) of section 4, appoint any of its officers not below the rank of the Deputy Collector, as the Competent Authority, to exercise control over the monies and the properties attached by the Government under section 4, of a Financial Establishment.

(2) The Competent Authority shall have such other powers as may be necessary for carrying out the purposes of this Act.

(3) The Competent Authority shall, within thirty days from the date of the publication of the said order, apply to the Designated Court, accompanied by one or more affidavits stating the grounds on which the Government has issued the said order under section 4 and the amount of money or other property believed to have been acquired out of the deposits and the details, if any, of persons in whose name such property is believed to have been invested or acquired or any other property attached under section 4, for such further orders as found necessary.

Designated
Court.

6. (1) For the purposes of this Act, the Government may, with the concurrence of the Chief Justice of the Gujarat High Court, by notification in the *Official Gazette*, constitute one or more Designated Court in the cadre of a District and Sessions Judge for such area or areas or for such case or class or group of cases, as may be specified in the notification.

(2) No court including the court constituted under the Presidency *Towns Insolvency Act, 1909* and the *Provincial Insolvency Act, 1920*, other than the Designated Court shall have jurisdiction in respect of any matter to which the provisions of this Act apply.

3 of 1909.
5 of 1920.

(3) Any pending case in any other court to which the provisions of this Act apply shall, on the date of coming into force of this Act, stand transferred to the Designated Court.

Powers of
Designated
Court
regarding
attachment.

7. (1) Upon receipt of an application under section 5, the Designated Court shall issue to the Financial Establishment or to any other person whose property is attached and vested in the Competent Authority by the Government under section 4, a notice accompanied by the application and affidavits and of the evidence, if any, recorded, calling upon the said Establishment or the said person to show cause on a date to be specified in the notice, why the order of attachment should not be made absolute.

(2) The Designated Court shall also issue such notice, to all other persons represented to it as having or being likely to claim, any interest or title in the property of the Financial Establishment or the person to whom the notice is issued under sub-section (1), calling upon all such persons to appear on the same date as that specified in the notice and make objection if they so desire to the attachment of the property or any portion thereof, on the ground that they have interest in such property or portion thereof.

(3) Any person claiming an interest in the property attached or any portion thereof may, notwithstanding that no notice has been served upon him under this section, make an objection as aforesaid to the Designated Court at any time before an order is passed under sub-section (4) or sub-section (6).

(4) The Designated Court shall, if no cause is shown and no objections are made under sub-section (3), on or before the specified date, forthwith pass an order making the order of attachment absolute, and issue such direction as may be necessary for realisation of the assets attached and for the equitable distribution among the depositors of the money realised from out of the property attached.

5 of 1908.

(5) If cause is shown or any objection is made as aforesaid, the Designated Court shall proceed to investigate the same and in so doing, as regards the examination of the parties and in all other respects, the Designated Court shall, subject to the provisions of this Act, follow the summary procedure as contemplated under Order 37 of the Civil Procedure Code, 1908 and exercise all the powers of a court in hearing a suit under the said Code and any person making an objection shall be required to, adduce evidence to show that on the date of the attachment he had some interest in the property attached.

(6) After investigation under sub-section (5), the Designated Court shall pass an order either making the order of attachment passed under sub-section (1) of section 4 absolute or varying it by releasing a portion of the property from attachment or cancelling the order of attachment :

Provided that the Designated Court shall not release from attachment any interest, which it is satisfied that the Financial Establishment or the person referred to in sub-section (1) has in the property, unless it is also satisfied that there will remain under attachment an amount or property of value not less than the value that is required for repayment to the depositors of such Financial Establishment.

V-EX-21-2

Attachment
of property
of mala fide
transferees.

8. (1) Where the assets available for attachment of a Financial Establishment or other person referred to in section 4 are found to be less than the amount or value which such Financial Establishment is required to re-pay to the depositors and where the Designated Court is satisfied, by affidavit or otherwise, that there is reasonable cause for believing that the said Financial Establishment has transferred (whether before or after the commencement of this Act) any of the property otherwise than in good faith and for consideration, the Designated Court may, by notice, require any transferee of such property (whether or not he received the property directly from the said Financial Establishment) to appear on a date to be specified in the notice and show cause why so much of the transferee's property as is equivalent to the proper value of the property transferred should not be attached.

(2) Where the said transferee does not appear and show cause on the specified date, or where after investigation in the manner provided in sub-section (5) of section 7, the Designated Court is satisfied that the transfer of the property to the said transferee was not in good faith and for consideration, the Designated Court shall order the attachment of so much of the said transferee's property as is in the opinion of the Designated Court equivalent to the proper value of the property transferred.

9. Any Financial Establishment or person whose property has been or is about to be attached under this Act may, at any time, apply to the Designated Court for permission to give security *in lieu* of such attachment and where the security offered and given is, in the opinion of the Designated Court, satisfactory and sufficient, it may cancel the order of attachment or, as the case may be, refrain from passing the order of attachment.

Security in
lieu of
attachement.

10. The Designated Court may, on the application of any person interested in any property attached and vested in the Competent Authority under this Act and after giving the Competent Authority an opportunity of being heard, make such order as the Designated Court considers just and reasonable for —

Administration
of property
attached.

- (a) providing from such of the property attached and vested in the Competent Authority as the applicant claims an interest in, such sums as may be reasonably necessary for the maintenance of the applicant and of his family, and for expenses connected with the defence of the applicant where criminal proceedings have been instituted against him in the Designated Court under section 3;
- (b) safeguarding, so far as may be practicable the interest of any business affected by the attachment and in particular, the interest of any partners in such business.

11. Any person including the Competent Authority, if aggrieved by an order of the Designated Court, may appeal to the High Court within sixty days from the date of the order.

Appeal.

12. The Government may, by order, appoint one or more Advocates of not less than ten years standing as a Special Public Prosecutor in consultation with the District and Sessions Judge of the concerned District or the Principal Judge of the City Civil and Sessions Court,

Special
Public
Prosecutor.

for the purpose of conducting the cases in the Designated Court.

Procedure
and powers
of
Designated
Court
regarding
offences.

13. (1) The designated Court may take cognizance of the offence without the accused being committed to it for trial and, in trying the accused person, shall follow the procedure prescribed in the Code of Criminal Procedure, 1973, for the trial of warrant cases by Magistrates.

2 of 1974.

(2) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to the proceedings before a Designated Court and for the purposes of the said provisions a Designated Court shall be deemed to be a Magistrate.

2 of 1974.

Act to
override
other laws.

14. Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.

Protection of
action taken
in good faith.

15. No suit or other proceedings shall lie against the Government or the Competent Authority or an officer or employee of the Government for anything which is in good faith done or intended to be done under this Act.

Power to
make rules.

16. (1) The State Government may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the State Legislature, while it is in session for a total period of thirty days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the sessions in which it is so laid or the session immediately following, the House agrees in making any modification in the rule or House agree that the rule should not be made, the rule shall have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

Power to
remove
difficulties.

17. If any difficulty arise in giving effect to the provisions of this Act, the Government may, as occasion arise, by order, do anything, not inconsistent with the provisions of this Act, which appears to it to be necessary to remove the difficulty:

Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Ahmedabad.
Dated the 15th February, 2000

USMANGANI DEVADIWALA,
M.L.A.

STATEMENT OF OBJECTS AND REASONS

There has been mushroom growth of Financial Establishments in the State of Gujarat in the recent past. The sole object of these Establishments has been of grabbing money received as deposits from public, mostly middle class and poor on the promises of unprecedented highly attractive rates of interest or rewards and without any obligation to refund the deposit to the investors on maturity or without any provision for ensuring rendering of the services in kind in return, as assured. Many of these Financial Establishments have been defaulting to return the deposits on maturity or to pay interest or render the services in kind, in return, as assured to the public. As such deposits ran into crores of rupees, it had resulted in great public resentment and uproar, creating law and order problem in the State of GUJARAT which is treated as one of the financial markets in India. It is, therefore, expedient to make a suitable special legislation in the public interest to curb the unscrupulous activities of such Financial Establishments in the State of GUJARAT.

Ahmedabad.

Dated the 15th February, 2000

USMANGANI DEVADIWALA,
M.L.A.

Sub-clause (1) of clause 5 of the Bill empowers the State Government for the appointment of any of its officers not below the rank of a Deputy Collector as the competent Authority for the purpose of this Act.

Sub-clause (1) of clause 6 of the Bill empowers the State Government for the constitution of designated courts by notification for such area or areas or for such cases or class of group of cases as may be specified in the notification.

Clause 12 of the Bill empower the State Government to appoint special public prosecutor for conducting the cases in the designated Courts.

Clause 16 of the Bill empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of Legislative powers as aforesaid is necessary and of normal character.

Ahmedabad.
Dated the 15th February, 2000

USMANGANI DEVADIWALA,
M.L.A.

V-EX-21-3

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the constitution of the designated court and clause 12 provides for the appointment of Advocates as Special Public Prosecutor for the purposes of conducting the cases in the designated courts. These provisions, if enacted, and brought into operation, would involve a recurring expenditure of about ten lacs every year from the Consolidated Fund of the State.

Ahmedabad.

Dated the 15th February, 2000

USMANGANI DEVADIWALA,

M.L.A.

Gandhinagar,

Dated 30th March, 2000.

K.M.PANCHAL

Secretary

Gujarat Legislative Assembly



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 30th March, 2000 by
Shri Dr. Mayaben Kodanani M.L.A. is published under rule 127-A of the
Gujarat Legislative Assembly Rules for general information.

GUJARAT BILL NO.22 OF 2000.

The Gujarat Women's Commission Bill, 2000.

A Bill

to provide for the constitution of a Women's Commission to improve the status of
women in the State of Gujarat and to enquire into unfair practices affecting women and
for matters connected therewith or incidental thereto.

It is hereby enacted in the fifty first year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Women's Commission Act, 2000.
(2) It extends to the whole of the State of Gujarat.
(3) It shall come into force on such date as the Government may, by
notification in the official Gazette, appoint.
2. In this Act, Unless the context otherwise requires :-
(a) "Commission" means the Gujarat State Commission for Women
constituted under section 5.
(b) "Director" means the Diorector appointed by the State Government
under section 12, for the Commission.
(c) "Government" means the Government of the State of Gujarat.
(d) "Member" means a Member of the Commission and includes the
Chairperson.
(e) "Person" includes a firm, company, corporation or any public
undertaking association of persons or the Government and its agencies
including agencies receiving aid from the Government.
(f) "Prescribed" means prescribed by rules made under this Act;
(g) "Public Servent" means any employee of the Government or a local
body or any corporation owned or controlled by the Government or any
Government agency or any public undertaking.
(h) "Registered" means registered with the commission under the Act.

Short title
extent and
commen-
cement

Definition 5

- (i) "Unfair practice" means any distinction, exclusion or restriction made on the basis of sex for the purpose of or which has the effect of impairing or nullifying the recognition, enjoyment or exercise by women of fundamental constitutional rights, or of human rights, or of fundamental freedom in the political, economic, social, cultural, civil or any other field or the infringement of any right or benefit conferred on women by or under the provisions of any law for the time being in force or the mental or physical torture or sexual excesses on women.
- Act not to apply in certain cases 3. This Act shall not apply to,-
 (i) the central Government, or
 (ii) any public sector undertaking of the central Government, or any other institution controlled or financed directly by the central Government,
 Provided that if any case involving person or persons belonging to these offices comes up before the State Commission, the State Commission will have the power to send the matter to the National women's Commission with its findings and recommendations.
- Application of other laws not barred 4. Save as otherwise provided, the provisions of this Act, shall be in addition to and in derogation of, any other law for the time being in force, except to the extent the provisions of other law are inconsistent with the provisions of this Act.
- Constitution of the Commission 5. (1) For the purpose of this Act, the Government, shall by notification in the official Gazette constitute a Commission to be known as the Gujarat Women's Commission which shall consist of a Chair person and not more than six other members to be appointed by the Government of which one shall be a woman belonging to Scheduled Caste or Scheduled Tribe.
 (2) The chairperson shall be an eminent woman committed to the cause of women with sufficient knowledge and experience in dealing with women problems.
 (3) The members of the Commission shall be persons of ability, integrity, intelligence and standing and having adequate knowledge or experience or have shown ability in dealing with problems relating to safeguarding and promoting the interest of women and protecting their rights.
- Terms of office Conditions of service of members 6. (1) Every member of the commission shall hold office for a period of 3 years.
 (2) Notwithstanding anything contained in sub-section (1) a member may,-
 (i) by writing under his hand and addressed to the Government resign his office at any time.
 (ii) be removed from his office in accordance with the provisions of section 11.
 (3) A vacancy arising by reason of resignation or removal of any member of the Commission under sub-section (2) or otherwise shall be filled up in accordance with the provisions contained in Section 5.
 Provided that a person so appointed shall hold office for the remaining period of the term of the person in whose place such person is appointed.
 (4) The remuneration payable to the members shall be fixed by the Government.
- Quorum 7. The quorum for a meeting of the Commission shall be three.
- Disposal of Business 8. (1) The meeting of the Commission shall be presided over by the Chairperson or in her absence a member chosen for the purpose by the members present.
 (2) All questions at a meeting of the Commission shall be decided by the majority of the votes of the members present and voting and in case of equality of votes the Chairperson or the member presiding, as the case maybe, shall have second or casting vote.

- (3) The Commission may invite, if it is considered necessary, for such purpose and on such conditions as may be prescribed, any person with expert knowledge in a particular subject to be present at the meeting to assist the Commission in arriving at a decision, but such person shall not be entitled to vote.
- (4) In case the outlying regions are not properly represented in the Commission, or if the Commission decides so, the Commission can constitute committees in the outlying regions to help it to dispense with issues thereon, the constitution of which may be decided by the Commission.
9. (1) The commission may for the purpose of transacting any business before it or for any special issue constitute an adhoc committee consisting of,-
 (a) not more than two members of the Commission
 (b) not more than two experts on the particular subject before the Commission.
 (2) If the chairperson is a member of the Committee, the chairperson or any other members shall preside over the meeting of the committee.
 (3) The final report of the adhoc committee shall be placed before the Commission for its approval and on the approval thereof by the Commission, it shall be deemed to be the report of the Commission.
 (4) The person in the adhoc committee shall be paid such remuneration as may be prescribed.
10. No act or proceeding of the Commission shall be invalidated by reason only of any irregularity in its constitution or on the ground of existence of any vacancy in the commission of any member.
11. Any member of the Commission may be removed from office by an order of the Government, if she,-
 (a) becomes an undischarged insolvent,
 (b) is convicted and sentenced to imprisonment for an offence which involve moral turpitude,
 (c) becomes of unsound mind,
 (d) is without obtaining leave of absence from the commission, absence in 3 consecutive meeting of the Commission, or
 (e) in the opinion of the Government has so abused the position of Chair or member as to render that person's continuance in the office detrimental to the public interest,
 Provided that a member shall not be removed under this section until that person has been given a reasonable opportunity of being heard in the matter.
12. (1) The Government may, in consultation with the Commission, appoint a Director for making investigations for the purposes of this Act and carry out directives given to him by the Commission besides the functions conferred on him by this Act. The Government may appoint such other staff as may be necessary to assist the Commission by deputation or by direct recruitment and prescribe their conditions of service. Any other officer may essentially be appointed.
 (2) The qualifications, terms of appointment and other conditions of service of the Director and other staff shall be such as may be prescribed.
 (3) In the discharge of their functions under this Act, the Director and the other staff shall be subject to the administrative control of the Chairperson.

Constitution of adhoc committees

Acts of the commission not to be invalidated by infirmity or any vacancy etc.

Removal of members from office

Appointment of director and other staff of the commission

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|---------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| Registration of woman's organisations | 13. | <p>(1) Any women's organisation governed by written rules; regulations or by-laws and working for the uplift, development, welfare or promotion of the interest of women or women's wing of any other organisation having all or any of the above activities as one of the objectives may apply to the Director for registration of such organisation with the Commission, in such form and in such manner as may be prescribed.</p> <p>(2) The Director shall verify the applications in such manner as may be prescribed and recommend to the commission, the organisations qualified for registration and reject the other applications.</p> <p>(3) The commission may consider the recommendations and direct that the name and particulars of the organisations qualified to be entered in the register maintained for the purpose in the manner prescribed and shall issue a certificate of registration in the prescribed form.</p> <p>(4) The Commission may at any time, either on its own motion or otherwise cancel the registration after giving an opportunity to be heard and on being satisfied that it is no longer qualified to continue as a registered organisation.</p> <p>(5) The party aggrieved by the decision of the Director under sub-section(2) may file an appeal before the Commission within such time and in such manner as may be prescribed and there upon the Commission shall after conducting such enquiry as it deems fit and giving the party an opportunity of being heard, pass appropriate orders thereon.</p> | |
| Power of the Commission | 14. | <p>(1) The Commission shall, for the purpose of any enquiry under this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, V of 1908 in respect of the following matters, namely,-</p> <ul style="list-style-type: none"> (a) summoning and enforcing the attendance of any witness and examining him mouth. (b) requiring the discovery and production of any document. (c) receiving evidence on affidavits. (d) requisitioning any public records or copy thereof from any public office. (e) issuing Commissions for the examination of witnesses. <p>(2) Any proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of section 193 and 228 of the Indian Penal Code XLV of 1860 and the Commission shall be deemed to be a court for the purpose of section 195 of the Code of Criminal Procedure, 1973.</p> | <p>V of 1908</p> <p>XLV of 1860</p> |
| Functions of the Commission | 15. | <p>(1) The Commission shall perform all or any of the following function namely,-</p> <ul style="list-style-type: none"> (i) inquire into any unfair practice, take decision thereon and to recommend to the Government the action to be taken in that matter. (ii) cause investigations to be made by the Director on issues of importance concerning women and issues concerning unfair practices and to report thereon to the Government on the corrective measures to be taken; (iii) submit to the Government annual reports on- <ul style="list-style-type: none"> (a) the lacunae, inadequacies or short comings in the laws in force which affect the constitutional right to equality and fair treatment of women and also on the remedial legislative measures to be taken to meet the situations; (b) monitoring of the working of laws in force concerning women with a view to identifying areas where the enforcement of laws is not adequately effective or has not been streamlined and recommending executive or legislative measures to be taken; | |

- (c) monitoring the recruitments and promotions made within the State and scrutinising the rules and regulations governing such recruitments and promotions with a view to reporting to the Government action, if any, required to guarantee equal opportunity to the women in the matter of such recruitments and promotions.
- (iv) (a) inspect or cause to be inspected, by the Director or any officer of the commission authorised by the commission in that behalf, prisons, police stations, lock-ups, sub-jails, rescue homes or other places of custody where women are kept as prisoners or otherwise, or shelters for women or other places run by the Government, for the purpose of offering rescue or shelter to women, or hostels intended for women or girls by any person and such other places wherein unfair practice to women is complained of and cause further inquiries to be made about the treatment that women and girls are subjected to at such places and to report to the Government for remedial actions.
- (b) in case where the Commission is of the view that any public servant has been grossly negligent or grossly indifferent in regard to the discharge of his duties in relation to the protection of interest of women, recommend to the concerned disciplinary authority to initiate disciplinary action;
- (v) recommend to the Government, the welfare measures to be adopted and implemented by the Government with a view to ameliorating the conditions of women.
- (vi) formulate a comprehensive and affirmative scheme for securing equal opportunities to women and devise a programme for implementing such scheme which shall be forwarded to the Government for approval and on obtaining approval thereof with or without modifications, implement the same.
- (vii) empower the Director to recommend to the appropriate authority to take prosecution proceedings in respect of offence committed against women under any status providing for penalty for violations of the provisions of such statute.
- (viii) maintain comprehensive data bank relating to the social, economic political conditions of the women including comparative study, updating the same from time to time making available such data for use in actions for vindication of the rights of women;
- (ix) recommend to the Government to initiate legislation for removal of discrimination in the case of inheritance, guardianship, adoption or for matters relating to the safeguarding of the dignity of women and the honour of motherhood.
- (x) call for special studies or investigations into specific problems or situations arising out of discrimination and atrocities against women and identify the constraints so as to recommend strategies for their removal;
- (xi) participate and advise on the planning process of socio-economic development of women;
- (xii) find litigation involving issues affecting a large body of women;
- (xiii) make periodical reports to the government on any matter pertaining , to women and in particular various difficulties under which women to ;
- (xiv) undertake promotional and educational research so as to suggest ways of ensuring due representation of women in all spheres and identify factors responsible for impeding their advancement such as lack of access to housing and basic services, inadequate support services and technologies for, reducing drugery and occupational health hazards and increasing their productivity;
- (xv) any other matter which may be referred to it by the Government.

- Grant by the State Government.
16. (1) The State Government shall, after due appropriation made by legislation by law in this behalf pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilised for the purposes of this Act.
(2) The Commission may spend such sums as it think fit for performing the functions under this Act, and such sums shall be treated as expenditure payable out of the grants, referred to in sub-section (1).
- Accounts and audit.
17. (1) The commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the State Government in consultation with Comptroller and Auditor-General of India.
(2) The accounts of the Commission shall be audited by the Comptroller and Auditor-General of India.
- Annual report.
18. The Commission shall prepare, in such form and at such time, for each financial year, as may be prescribed, its annual report giving a full account of its activities during the previous financial year and forward a copy thereof to the State Government and the State Government shall cause it to be laid before the Legislature as soon as possible.
- Power to make Rules.
19. (1) The State Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.
(2) The rules made under this section shall be subject to the condition of previous publications in the official Gazette.
(3) All rules made under this section shall be laid before State Legislature for not less thirty days as soon as may be after they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following thereafter.

Gandhinagar.

Dated :- 7/3/2000.

Dr. Mayaben Kodhani

M.L.A.

STATEMENT OF OBJECTS AND REASONS

The country cannot progress as long as the inequality persists with reference to half of its population. Unequal status of women in every sphere of life, demands setting up of a Women's Commission in the State of Gujarat, consisting of a Chair person and six other members.

The main task of the Commission shall be to study and monitor all matters relating to the constitutional and legal safeguards provided for women and to review the existing legislations and suggest amendments, where ever necessary.

The Commission shall protect the rights of the women so as to enable them to achieve equality in all spheres of life and equal participation in the development of the nation.

Hence this Bill.

Gandhinagar.

Dr. Mayaben Kodhani.

Dated :- 7/3/2000

M.L.A.

FINANCIAL MEMORANDUM

Sub-clause (4) of clause 6 provides for remuneration payable to the members of the commission, sub-clause (1) of clause 12 of the Bill provides for salaries and the allowances to the Director and other staff of the Commission and clause 6 of the Bill provides payment of grants to the commissions for utilisation for carrying out the activities of the commission. This Bill if enacted, and brought in to operation, would involve recurring expenditure approximately of about Rs. 1 crore from the Consolidated Fund of the State.

Gandhinagar.

Date :- 7th March, 2000

Dr. Mayaben Kodhani

M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub Clause (3) of clause 1 empowers the State Government to appoint the date on which the Act shall come into force.

Sub Clause (1) of clause 5 empowers the State Government to Constitute a commission to be known "The Gujarat Women's Commission" and appoint six other members on the Commission.

Sub Clause (4) of Clause 6 empowers the State Government to fix the remuneration payable to the members of the Commission.

Clause -12 empowers the State Government to appoint Director and other Staff of the commission and the terms and conditions therefor.

Sub-clause (1) of clause 17 empowers the State Government to prescribe the form in which the accounts of the Commission shall be maintained.

Clause 19 empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of Legislative powers as aforesaid is essential and is of normal character,

Gandhinagar.

Dr. Mayaben Kodnani

Dated 7th March, 2000

M.L.A

Gandhinagar,

Dated 30th March, 2000.

K.M.PANCHAL
Secretary
Gujarat Legislative Assembly

V-EX-22-3



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may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported).

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT KHAR LANDS (REPEAL) BILL, 2000.

GUJARAT BILL NO. 23 OF 2000.

A BILL

to repeal the Gujarat Khar Lands Act, 1963 and to provide for certain matters incidental thereto.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Khar Lands (Repeal) Act, 2000.

(2) It shall be deemed to have come into force on the 7th June, 2000.

2. In this Act, unless the context otherwise requires,—

(a) "Act" means the Gujarat Khar Lands Act, 1963;

(b) "appointed day" means the date on which this Act comes into force.

3. (1) On the appointed day, the Gujarat Khar Lands Act, 1963 shall stand repealed and the Gujarat Khar Lands Development Board established under section 3 of the Act shall stand dissolved and the Chairman and all members thereof shall vacate office; and on such dissolution, the following consequences shall ensue, that is to say,—

Short title
and commence-
ment.
Definitions.

Repeal of
Guj. 17 of
1964 and
dissolution
of Khar
Lands
Development
Board.

Guj. 17 of
1964.

Guj. 17 of
1964.

(a) the Committee appointed by the Board under section 19 of the Act shall stand dissolved and the Chairman and all members thereof shall vacate office;

(b) all the rights of the dissolved Board shall be the rights of the State Government and any proceeding or cause of action pending or existing immediately before the appointed day by or against the dissolved Board in relation to such right may, as from the appointed day, be continued or enforced by or against the State Government;

(c) all property, movable and immovable (including all moneys received by the dissolved Board and all moneys in its own fund and in its maintenance fund) which immediately before the appointed day vested in the dissolved Board shall, subject to all limitations and conditions as were in force immediately before such day, stand transferred to and vest in the State Government;

(d) all sums due to the dissolved Board on any account shall be recoverable by the State Government which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Board to take or institute had this Act had not come into force;

(e) all debts, liabilities and obligations incurred by or on behalf of the dissolved Board before the appointed day and subsisting on that day, shall be deemed to be debts, liabilities and obligations of the State Government, and any proceedings or cause of action pending or existing immediately before the appointed day by or against the dissolved Board in relation to such debt, liability or obligation may, as from the appointed day, be continued or enforced by or against the State Government ;

(2) The repeal of the Act by sub-section (1) shall not affect—

- (a) (i) any right of the State Government to recover under section 28, the loans granted under section 27 of the Act,
- (ii) any liability of a person whether jointly or severally to pay the amount of loan or a portion thereof to the State Government under section 29 of the Act,
- (iii) liability of forfeiture of lease of land under section 30 of the Act,
- (iv) any penalty incurred in respect of an offence punishable under section 40 of the Act,
- (v) any investigation or legal proceeding in respect of any such recovery or such forfeiture or such penalty,

and any such investigation or legal proceeding may be instituted or continued and any such recovery may be made or lease of land may be forfeited or any such penalty may be imposed as if the Act were not repealed;

(b) such of the schemes published under sub-section (3) of section 13 of the Act which are under execution by the Board on the date immediately before the appointed day and their execution shall be continued and completed by the State Government.

(3) The State Government may, by an order published in the *Official Gazette*, entrust the execution of schemes referred to in clause (b) of sub-section (2) to any body or corporation owned or controlled by the State Government and confer by a like order on such body or corporation, any of its powers as may be necessary for such execution.

Guj. Ord.1
of 2000.

4. (1) The Gujarat Khar Lands (Repeal) Ordinance, 2000 is hereby repealed.

Repeal and
savings.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Khar Lands Act, 1963 was enacted to provide for the protection and improvement of Khar lands and the reclamation of tidal lands in the State of Gujarat by the construction and maintenance of embankments and for that purpose, the Khar Lands Development Board was established by the State Government. On reviewing the activities of the Khar Lands Development Board, it was considered necessary to repeal the Gujarat Khar Lands Act, 1963 and to dissolve the Board. A provision is made to the effect that the scheme published under sub-section (3) of section 13 of the said Act and which is under execution by the Board shall be continued and completed by the State Government. A power is taken to entrust the execution of such scheme to any body or corporation owned or controlled by the State Government.

2. As the Gujarat Legislative Assembly was not in session, the Gujarat Khar Lands (Repeal) Ordinance, 2000 was promulgated to achieve the aforesaid object. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Dated the 4th September, 2000.

BECHARBHAI BHADANI

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 11th September, 2000.

B. L. MEHTA,
Secretary to Government,
Legislative and Parliamentary Affairs Department.

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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in
the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given
under the proviso to rule 127A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT STATE GUARANTEES (SECOND AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 24 OF 2000.

A BILL

further to amend the Gujarat State Guarantees Act, 1963.

It is hereby enacted in the Fifty-first Year of the Republic of India
as follows :—

1. (1) This Act may be called the Gujarat State Guarantees (Second
Amendment) Act, 2000.

Short title
and
commence-
ment.

(2) It shall be deemed to have come into force on the 11th
July, 2000.

2. In the Gujarat State Guarantees Act, 1963 (hereinafter referred
to as "the principal Act"), in section 2, in sub-section (1), for the letters
and figures "Rs. 140,00,00,00,000", the letters and figures "Rs.
160,00,00,00,00,000" shall be substituted.

Amend-
ment of
section 2 of
Guj.
XXII of 1963.

Guj. XXII
of 1963.

Repeal and
savings.

3. (1) The Gujarat State Guarantees (Amendment) Ordinance, 2000 is hereby repealed.

Guj. Ord.
2 of 2000.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 2 of the Gujarat State Guarantees Act, 1963 fixes Rs.140,00,00,00,000/- to be the limit upto which the State Government may give guarantees. During the nineties, there has been a phenomenal growth in implicit (contingent) liabilities in the form of guarantees extended by the Government. Guarantees have emerged as an alternative fiscal instrument of the Government to meet the investment requirements by the State level bodies. With a view to meeting with such guarantees and demand for overall development of the State in the field of power sector, irrigation, industry and infrastructure facilities therefor, it was considered necessary to raise the said limit upto Rs. 160,00,00,00,000/-.

As the Gujarat Legislative Assembly was not in session, the Gujarat State Guarantees (Amendment) Ordinance, 2000 was promulgated to amend the said Act to achieve the aforesaid object. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Dated the 1st September, 2000.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

B. L. MEHTA,
Secretary to Government.
Legislative and Parliamentary Affairs Department.

Gandhinagar,

Dated the 11th September, 2000.

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



सत्यमेव जयते

The Gujarat Government Gazette EXTRAORDINARY

PUBLISHED BY AUTHORITY

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WEDNESDAY, SEPTEMBER 27, 2000/ASVINA 5, 1922

Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT GAS (REGULATION OF TRANSMISSION, SUPPLY AND DISTRIBUTION) BILL, 2000.

GUJARAT BILL NO. 25 OF 2000.

A Bill

to provide for regulation of transmission, supply and distribution of gas, in the interests of general public and to promote gas industry in the State and for that purpose to establish Gujarat Gas Regulatory Authority and for matters connected therewith or incidental thereto.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Gas (Regulation of Transmission, Supply and Distribution) Act, 2000.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires,—

Short title,
extent and
commence-
ment.

Definitions.

- (a) "Authority" means the Gujarat Gas Regulatory Authority established under section 4;
- (b) "bulk consumer" means a person who consumes gas exceeding twenty-five thousand cubic metres per day;
- (c) "Chairperson" means the Chairperson of the Authority;
- (d) "Commissioner" means the Commissioner of Gas appointed under section 3;
- (e) "committee" means the committee constituted under section 11;
- (f) "common carrier" means the basis of arrangements by which an access has to be provided to any person for the transmission and distribution of gas through pipelines;
- (g) "distribution" means distribution of gas at a low pressure by means of pipelines to a consumer other than a bulk consumer;
- (h) "gas" means a matter in gaseous state which predominantly consists of methane;
- (i) "high pressure" means such pressure as the State Government may, from time to time, by notification in the *Official Gazette*, specify in terms of kilograms per square centimeter;
- (j) "licence" means a licence granted under section 26;
- (k) "licensee" means a person holding a licence;
- (l) "low pressure" means such pressure as the State Government may, from time to time, by notification in the *Official Gazette*, specify in terms of kilograms per square centimeter;
- (m) "member" means a member of the Authority and includes the Chairperson;
- (n) "pipeline corridors" means pipelines laid or to be laid together with sufficient adjacent land;
- (o) "prescribed" means prescribed by rules;
- (p) "regulations" means regulations made under this Act;
- (q) "rules" means rules made under this Act;
- (r) "specified Government company" means such Government company, the main object of which is the transmission of gas, as the State Government may, by notification in the *Official Gazette*, specify;
- (s) "supplier" means a person who supplies gas;
- (t) "supply" means supply of gas by means of pipelines but does not include distribution;
- (u) "transmission" means transmission of gas at a high pressure by means of pipelines; and
- (v) "Tribunal" means the Tribunal constituted under section 30.

CHAPTER II

COMMISSIONER OF GAS

- Commissioner. 3. (1) The State Government may, by notification in the *Official Gazette*, appoint an officer to be the Commissioner, who shall exercise such powers and perform such functions and duties as are conferred or imposed on him by or under this Act.
- (2) The Commissioner shall exercise the powers and perform the functions and duties conferred or imposed on him under this Act, subject to the control of the State Government.

(3) To assist the Commissioner in exercising his powers and performance of his functions and duties under this Act, the State Government may appoint such officers and persons and give them such designation (if any), as the State Government thinks necessary.

CHAPTER III

ESTABLISHMENT AND CONSTITUTION OF AUTHORITY

- | | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| 4. | (1) The State Government shall, by notification in the <i>Official Gazette</i> , establish an Authority by the name of the Gujarat Gas Regulatory Authority with effect from such date as may be specified in the notification. | Establishment and incorporation of Authority. |
| | (2) The Authority shall be a body corporate with perpetual succession and common seal and may sue or be sued in its corporate name and shall, subject to the provisions of this Act, be competent to acquire, hold or dispose of property, both movable and immovable, and to contract and do all things necessary for the purposes of this Act. | |
| 5. | The head quarters of the Authority shall be at Ahmedabad or at such other place as the State Government may, by a notification in the <i>Official Gazette</i> , specify. | Head quarters of Authority. |
| 6. | (1) The Authority shall consist of a Chairperson and two other members to be appointed by the State Government. | Constitution of Authority. |
| | (2) Out of the three members — | |
| | (a) one shall be a person who has special knowledge and professional experience in the field of engineering related to transmission, supply or distribution of gas or designing, laying and operating of pipelines therefor, | |
| | (b) one shall be a person who has special knowledge and professional experience in the field of administration, economics, commerce, finance, law or management, | |
| | (c) one shall be a person who possesses qualifications either under clause (a) or (b). | |
| | (3) A member of the Authority shall render whole time service and shall not hold any other office during the tenure of his office. | |
| 7. | (1) The chairperson and the other members shall hold office for a period of three years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever period is less. | Term of office and conditions of service of members. |
| | (2) The salary and allowances payable to and other conditions of service of a member shall be such as may be prescribed : | |
| | Provided that the salary and allowances and other conditions of service of a member shall not be varied to his disadvantage during the tenure of his office. | |
| 8. | On occurrence of any vacancy in the office of a member on account of death, resignation or any other reason, the same shall be filled in by the State Government in the manner provided in section 6. | Filling up of vacancies. |

Disqualifications. 9.

A person shall be disqualified for being appointed or being a member of the Authority if, such person—

- (a) is a member of Parliament or of any States Legislature or of any local authority;
- (b) is a member of a political party;
- (c) is, or at any time, has been adjudged an insolvent or has suspended payment of his debts or has compounded with his creditors;
- (d) is of unsound mind and stands so declared by a competent court;
- (e) is, or has been convicted of any offence which, in the opinion of the State Government involves moral turpitude;
- (f) has either directly or indirectly any financial or other interest which is likely to affect prejudicially his functioning as a member; or
- (g) has either directly or indirectly any financial or other interest in —
 - (i) transmission, supply or distribution of gas;
 - (ii) production, sale or supply of gas whether used in any industry or not;
 - (iii) manufacture of, or any dealings in, plant and machinery, equipments, apparatus, or fittings for the matters specified in sub-clause (i), or
 - (iv) any body which provides professional services in relation to matters specified in sub-clauses (i), (ii) and (iii).

Removal and resignation of members.

10. (1) Notwithstanding anything contained in sub-section (1) of section 7, the State Government may, at any time, remove any member from office, if, in its opinion, such member—

- (a) is or has become, subject to any of the disqualifications mentioned in section 9,
- (b) has been guilty of misconduct in discharge of his duties,
- (c) has become physically or mentally incapable of discharging his duties as a member,
- (d) has so abused his position as to render his continuance in office prejudicial to public interest, or
- (e) has without reasonable cause refused or failed to perform his duties for a period of not less than three months:

Provided that no member shall be removed from his office—

- (i) on the ground specified in clause (f) or (g) of section 9 or clause (b), (c) or (d) of sub-section (1), unless the committee on a reference made to it in this behalf by the State Government, has after an inquiry including an opportunity of being heard to the member, reported that the member is liable to be removed on such ground;
 - (ii) on any other ground, unless an opportunity of being heard is given to the member.
- (2) A member in respect of whom a reference has been made under clause (i) of the proviso to sub-section (1) shall not perform his functions as a member until the State Government removes the member from his office or decides not to remove the member from his office, on receipt of the report of the Committee on such reference.

- (3) A member may resign from his office by giving notice in writing, for such period as may be prescribed, to the State Government, and on such resignation being accepted by the State Government, he shall be deemed to have vacated his office.

11. (1) For the purpose of section 10, the State Government may, by notification in the *Official Gazette*, constitute a committee consisting of not less than three members who shall be officers of a rank not below that of a Secretary to the State Government to be nominated by the State Government, *ex-officio*.

Committee for inquiry.

- (2) The member who is senior most in service shall be the Chairman of the committee.

- (3) The committee shall follow such procedure for disposal of its business as may be prescribed.

12. A person who ceases to be a member shall not —

- (a) be entitled to appear for a period of three years in any proceedings before the Authority as a representative of any person;
- (b) acquire either directly or indirectly any financial or other interest of the nature specified in clause (g) of section 9 for a period of two years from the date of such cesser;
- (c) accept employment in a company or its subsidiary, which carries on the business of transmission or distribution, for a period of three years from the date of such cesser.

Prohibition of appearance before Authority etc., on ceasing to be a member.

Explanation.—For the purpose of this clause, the expression 'company' shall have the same meaning as assigned to it in clause (a) of Explanation to section 36.

13. (1) The Authority shall meet at such time and such place and shall, subject to sub-sections (2) and (3), observe such rules of procedure in regard to transaction of its business at its meetings (including the quorum at such meetings) as may be provided by the regulations.

Meetings of Authority.

- (2) If the Chairperson is for any reason unable to attend a meeting of the Authority, the other member shall preside at the meeting.

- (3) All the questions at a meeting of the Authority shall be decided by a majority of the members present and voting, and in case of an equality of votes, the Chairperson or in his absence, the person presiding, shall have and exercise a second or casting vote.

14. (1) The Authority may, with the approval of the State Government, determine such number and category of officers and employees as it considers necessary for the efficient performance of its functions.

Officers and employees of Authority.

- (2) The manner of recruitment of, the salary and allowances payable to, and other conditions of service of officers and employees, shall be such as may be determined by the regulations.

15. The Authority may, for the purpose of enabling it to perform its functions, appoint consultants on such terms and conditions as may be determined by the regulations.

Consultants.

Acts and
proceedings
presumed to
be valid.

16. (1) No act or proceeding of the Authority shall be questioned or be invalid on the ground merely of the existence of any vacancy in, or any defect, in the constitution of the Authority.
- (2) No act done by any person acting in good faith as a member shall be deemed to be invalid merely on the ground that he was disqualified to be a member or that there was any other defect in his appointment.

CHAPTER IV

FUNCTIONS AND POWERS OF THE AUTHORITY

Functions of
Authority.

17. Subject to the provisions of this Act, the Authority shall perform the following functions, namely :—
- (a) to regulate transmission, supply and distribution of gas in the State and laying of pipelines therefor,
 - (b) to promote gas industry in the State in accordance with the direction given by the State Government,
 - (c) to give direction to a licensee for ensuring compliance of terms and conditions of a licence held by him,
 - (d) to regulate the charges for transmission,
 - (e) to promote efficiency, economy and safety in the use of gas in the State,
 - (f) to give direction to a supplier or bulk consumer for ensuring compliance by him of the standards of safety, operation and environment for supply or bulk consumption of gas,
 - (g) to set and enforce standards of safety, operation and environment for transmission, supply and distribution and bulk consumption of gas,
 - (h) to lay down by regulations the principles of common carrier for transmission and distribution and to enforce the same,
 - (i) to adjudicate upon the disputes and difference amongst licensees and a suppliers, or between the specified Government company and a licensee or a supplier or between a supplier and a person who buys gas from supplier and to refer matters for arbitration if considered necessary, in accordance with the provisions of this Act,
 - (j) to hold, wherever necessary, an inquiry in accordance with such procedure as may be prescribed,
 - (k) to advise the State Government on matters relating to transmission, supply and distribution of gas in the State, and
 - (l) to perform such other functions as may be prescribed or as are supplemental, incidental or consequential to any of the functions entrusted to it by or under this Act.

Powers of
Authority.

18. (1) The Authority shall, for the purposes of any inquiry under this Act, have the powers of a civil court while trying a suit, in respect of the following matters, namely :—
- (a) summoning and enforcing the attendance of any witness and examining him on oath,
 - (b) requiring the discovery and production of any document or other material object producible as evidence,
 - (c) receiving of evidence on affidavits,

- (d) requisitioning of any public record or a copy thereof from any court or office,
 - (e) issuing commissions for examination of witnesses or documents,
 - (f) reviewing of its decisions, directions and orders, and
 - (g) any other matter which may be prescribed.
- (2) The Authority shall have the power to pass such interim order in any matter before it, as it may consider appropriate.
- (3) Where the Authority is of opinion that it is necessary so to do for the purposes of this Act, it may require by an order in writing to the specified Government company or any person—
- (a) to produce before, or to allow to be examined by, an officer specified in the said order such books, accounts or other documents in the custody or control of that company or person, relating to any matter concerning the transmission, supply or distribution or laying of pipelines therefor as may be specified in the order, and
 - (b) to furnish to the officer specified in the order such information in its or his possession, power or control as may be specified in the order.
- (4) The Authority may require the specified Government company or any person—
- (a) to produce before or to allow to be examined by an officer of the Authority authorised by it in this behalf, such books, accounts or other documents relating to the functioning of the company engaged in transmission of gas or of any undertaking engaged in supply, distribution or use of gas, in the custody or under the control of such company or person,
 - (b) to furnish to the authorised officer such information in the possession, power or control of such company or person for the purposes of performance of the functions by the Authority.
- (5) Where during any inquiry or proceeding under this Act, the Authority has reason to believe that any books or accounts or documents of or relating to the specified Government company engaged in transmission of gas or any person engaged in supply, distribution or use of gas in relation to which or whom such inquiry is made or proceedings are undertaken are being or may be destroyed, mutilated, altered, falsified or secreted, the Authority may by written order authorise any officer of the Authority to enter and search any place of business of the company or person or any other place where the Authority has reason to believe that the company or person keeps or is for the time being keeping books or accounts or documents and to seize the same and after granting a receipt therefor and retain the same for such period so long as is necessary in connection with such inquiry or proceeding.
- (6) The provisions of the Code of Criminal Procedure, 1973 relating to searches and seizures shall apply, so far as may be, to the searches and seizures made under sub-section (5).

- (7) The Authority may, by a general or special order call upon the specified Government company or any person to furnish to the Authority periodically or, as and when required, any information concerning its or his activities related to transmission, supply, distribution of gas or laying of pipelines therefor or use of gas.
- (8) The Authority may, for the purpose of placing gas pipelines, appliances and apparatus, by an order, confer—
- (i) upon the specified Government company for transmission, and
 - (ii) upon a licensee or any other person for supply and distribution,
- any of the powers which the telegraph authority possesses under the Indian Telegraph Act, 1885 with respect to placing of telegraph lines and posts subject to such conditions as the Authority may specify in such order.

13 of 1885.

CHAPTER V

FINANCE, ACCOUNTS, AUDIT AND REPORTS

Fund of
Authority.

19. (1) The Authority shall have its own fund and all receipts of the Authority shall be carried thereto and all payments by the Authority shall be made therefrom.
- (2) The Authority may accept grants and subventions from the State Government or a local authority for the purposes of this Act.
- (3) The Authority may spend such sums as it thinks fit for the performance of its functions under this Act and such sums shall be treated as expenditure payable out of the Fund of the Authority.
- (4) All moneys belonging to the Fund of the Authority shall be deposited in such bank or invested in Government securities or in such other manner, as the State Government may, by general or special order, direct.

Budget of
Authority.

20. The Authority shall prepare, in such form and at such time in each financial year, as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the State Government.

Accounts and
audit of
Authority.

21. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Comptroller and Auditor-General of India.
- (2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.
- (3) The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

- (4) The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon shall be forwarded annually to the State Government by the Authority and the State Government shall cause the audit report to be laid, as soon as may be, after it is received, before the State Legislature.
22. (1) The Authority shall prepare once in every year in such form and at such time, as may be prescribed, an annual report including a summary of its activities during the previous year and copies of the report shall be forwarded to the State Government. Annual report of Authority.
- (2) A copy of the report received under sub-section (1) shall be laid, as soon as may be, after it is received, before the State Legislature.

CHAPTER VI

TRANSMISSION OF GAS

23. (1) (a) No person other than the specified Government company and a person referred to in sub-section (1) of section 55 shall carry on the business of transmission in the State. Specified Government company to transmit gas in State.
- (b) Subject to the rules, if any, the specified Government company shall carry on the business of transmission in the State.
- (2) Without prejudice to the generality of the provision contained in sub-section (1), but subject to the other provisions of this Act, the specified Government company shall,—
- (a) establish or cause to be established a transmission system (which shall include laying of pipelines) for conveyance of gas on the principle of common carrier and operate or cause to be operated the same,
- (b) determine transmission charges,
- (c) plan and develop pipeline corridors for transmission system in the State, and
- (d) maintain such standards of efficiency, economy and safety in relation to its business of transmission as laid down by the Authority.
24. Except to the extent otherwise expressly provided in sub-section (1) of section 55, on and with effect from the date of commencement of this Act, the specified Government company shall have the exclusive privilege of carrying on the business of transmission in the State. Specified Government company to have exclusive privilege of carrying on business of transmission of gas.

CHAPTER VII

LICENSING OF DISTRIBUTION OF GAS

25. (1) No person shall carry on business of distribution in the State, except under a licence granted under this Act. Prohibition on distribution without licence.
- (2) No person shall lay pipelines for distribution in the State unless he is a licensee.

Grant of
licence.

26. (1) (a) A person may make an application to the Commissioner for grant of a licence for carrying on the business of distribution.
- (b) A person carrying on the business of distribution of gas on the date of commencement of this Act (hereinafter referred to 'as the said date') shall, within three months from the said date, make an application to the Commissioner for grant of a licence for carrying on the business of distribution, and
- (i) a person who makes such an application shall be deemed to have been authorised to carry on such business from the said date till the date on which he is either granted or refused a licence,
- (ii) a person who does not make such application within the said period of three months shall be deemed to be carrying on business of distribution without a licence.
- (2) Every application under sub-section (1) shall be made in such form, and shall contain such particulars; including those regarding the competency of the applicant to undertake the business of distribution and accompanied by such fees, as may be prescribed.
- (3) The Commissioner may grant a licence to the applicant in such form containing such terms and conditions and on payment of such fees as may be prescribed.
- (4) For the purpose of granting a licence under sub-section (3), the Commissioner shall, so far as may be, follow the procedure of public competitive bidding laid down in the Gujarat Infrastructure Development Act, 1999.
- (5) Unless it is specifically provided in the terms of a licence, the grant of a licence to a person shall not in anyway hinder or restrict the power of the Commissioner to grant a licence to another person in respect of the same area of distribution and the licensee shall not be entitled to claim any exclusivity.

Guj. 11 of
1999.

Amendment
of licence.

27. Where in its opinion, the public interest so requires, the State Government may on the application of a licensee, direct the Commissioner to make such amendments in the terms and conditions of a licence as it thinks fit having regard to the objects and purposes of this Act and the Commissioner shall make amendments in the licence accordingly.

Revocation
and
suspension of
licence.

28. If the Commissioner is satisfied either on a reference made to it or otherwise that—
- (a) a licence granted under section 26 has been obtained by misrepresentation as to an essential fact, or
- (b) the licensee has, without reasonable cause failed to comply with the conditions subject to which the licence has been granted or has contravened any of the provisions of this Act or the rules or the regulations made thereunder, then without prejudice to any other penalty to which the licensee may be liable under this Act, the Commissioner may, after giving the licensee an opportunity of showing cause—

- (i) revoke the licence on the ground stated in clause (a), or
- (ii) revoke the licence or forfeit the sum, if any, or any portion thereof deposited as security for due performance of the conditions subject to which the licence has been granted, on the ground stated in clause (b), or
- (iii) suspend the licence for such period as he thinks fit, on the ground stated in clause (b).

CHAPTER VIII

ARBITRATION AND APPEALS

29. (1) (a) Any dispute arising between the specified Government company and a licensee or between licensees or between a person who supplies gas and a person who buys gas from him, shall be referred to the Authority. Arbitration
by Authority.
- (b) The Authority may adjudicate the matter or nominate a person to adjudicate and settle such dispute.
- (c) The procedure to be followed in connection with such adjudication shall be such as may be prescribed by the regulations.
- (2) Where an adjudication is made by the nominee appointed by the Authority, it shall be filed before the Authority and the Authority shall pass such order as deemed fit including an order—
- (a) confirming and enforcing the adjudication,
 - (b) setting aside or modifying the adjudication, or
 - (c) remitting the adjudication to the nominee for reconsideration.
- (3) The adjudication made by the Authority under sub-section (1) or an order passed by the Authority under sub-section (2) shall be enforceable as if it were a decree of a civil court.
- (4) The Authority or, as the case may be, a nominee may, at any time before the commencement or during the pendency of proceedings under sub-section (1), make such interim order as the Authority or, as the case may be, the nominee deems fit.
30. (1) The State Government shall constitute a Tribunal to be called the Gujarat Gas Tribunal to discharge the functions conferred on the Tribunal by or under this Act. Constitution
of Tribunal.
- (2) The Tribunal shall consist of two members who shall be appointed by the State Government, out whom—
- (a) one shall be a person who is or has been a Judge of the High Court, and
 - (b) one shall be a person who is or has held the post not below the rank of the Secretary to the State Government.
- (3) The term of office and conditions of service of the members of the Tribunal shall be such as may be prescribed.
- (4) The State Government may terminate the appointment of the member of the Tribunal before the expiry of the term of his office if such member,—
- (a) is adjudged an insolvent, or
 - (b) engages during his term of office in any paid employment outside the duties of his office, or
 - (c) is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the State Government or

participates in any way in the profit thereof or in any benefit or emoluments arising therefrom otherwise than as a member, or

(d) is in the opinion of the State Government, unfit to continue in office by reason of infirmity of mind or body, or

(e) is convicted of an offence involving moral turpitude.

(5) Subject to such conditions and limitations as may be prescribed, the Tribunal shall have power to award cost and the amount of such costs shall be recoverable from the person ordered to pay the same as arrears of land revenue.

(6) Subject to the previous sanction of the State Government, the Tribunal shall, for the purpose of regulating its procedure (including the place or places at which the Tribunal shall sit) and the disposal of its business, make regulations consistent with the provisions of this Act and rules made thereunder.

(7) The regulations made under sub-section (6) shall be published in the *Official Gazette*.

**Powers of
Tribunal.**

31. (1) For the purpose of exercising its jurisdiction under this Act, the Tribunal shall have the same powers as are vested in the civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) issuing commissions for the examination of witnesses;

(d) such other matters as may be prescribed.

(2) The Tribunal shall be deemed to be a court for the purpose of section 5 of the Limitation Act, 1963.

5 of 1908.
36 of 1963.

Appeals.

32. (1) An appeal shall lie to the Tribunal against the following orders and award, namely:—

(a) an order refusing to grant a licence under section 26,

(b) an order revoking or suspending a licence or forfeiting the sum of deposit under section 28,

(c) an award made by the Authority under sub-section (1) or an order passed by the Authority under sub-section (2) of section 29.

(2) No appeal shall be entertained unless it is filed within a period of sixty days from the date of communication of the order or award.

(3) The Tribunal may admit an appeal after the period of limitation specified in sub-section (2), if the appellant satisfies the Tribunal that he had sufficient cause for not filing appeal within such period.

(4) In computing the period of limitation, the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.

36 of 1963.

(5) Notwithstanding anything contained in the Bombay Court Fees Act, 1959, an appeal under this section shall bear a court fee stamp of such value as may be prescribed.

Bom xxxvi
of 1959.

**Bar of
jurisdiction
of civil
court.**

33. (1) No civil court shall have jurisdiction to deal with or decide any question which the State Government, the Authority or any officer appointed by the Authority or the Commissioner or the Tribunal is empowered to deal with or decide by or under this Act.

(2) No order passed under this Act or any rules or regulations made thereunder by the State Government, the Authority or any officer appointed by the Authority, the Commissioner or by the Tribunal, shall be called in question in any civil court.

CHAPTER IX

OFFENCES AND PENALTIES

34. (1) Whoever carries on business of transmission in contravention of clause (a) of sub-section (1) of section 23 or of clause (a) or (b) of sub-section (2) of section 55, or
- (2) Whoever carries on business of distribution or lays pipelines for such distribution without a licence in contravention of section 25,
- shall on conviction, be punished with imprisonment which may extend to six months or with fine not exceeding five lakhs of rupees or with both and in the case of a continuing offence with an additional fine not exceeding twenty thousand rupees for every day after the first, during which the offence continues.
35. Where a licensee, supplier, bulk consumer or any other person fails without any reasonable cause, to comply with any order, direction or requisition lawfully made or given under any provision of this Act or any rules or regulations made thereunder, he shall, on conviction be punished with imprisonment which may extend to three months or with fine not exceeding two lakhs of rupees or with both and in the case of a continuing offence with an additional fine not exceeding ten thousand rupees for everyday after the first, during which the offence continues.
36. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:
- Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided under this Act if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.
- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act, has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- Explanation.*—For the purposes of this section —
- (a) “company” means a body corporate and includes a firm or other association of individuals ; and
- (b) “director” in relation to a firm, means a partner in the firm.
37. (1) No court shall take cognisance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by an officer of the Authority generally or specially authorised by it in this behalf.

Penalty for contravention of provisions of sections 23, 25 and 55.

General penalty.

Offences by companies.

Cognisance of offences.

Members,
officers and
employees of
Authority to
be public
servant.

48. All members and officers and employees of the Authority, the Commissioner and all officers and persons appointed under section 3 to assist him and all members of the Tribunal shall, when acting or purporting to act in pursuance of the provisions of this Act, or any rules or regulations made thereunder, be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

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Protection of
action taken
in good faith.

49. No suit, prosecution or other legal proceeding shall lie against the Authority or any member, officer or employee of the Authority and the Commissioner and officers and persons appointed under section 3 to assist him for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, or any rules or regulations made thereunder.

Power of State
Government
to give
directions to
Authority.

50. (1) In performance of its functions under this Act, the Authority and the Commissioner shall be bound by such directions on questions of policy as the State Government may give in writing to it from time to time:

Provided that the Authority shall be given an opportunity to express its views before any direction is given under this sub-section.

- (2) The decision of the State Government whether the question is of a policy or not, shall be final.

Power of State
Government to
make rules.

51. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

- (a) the salary, allowances and other conditions of service of the members under sub-section (2) of section 7;
- (b) the period of notice to be given under sub-section (3) of section 10;
- (c) the procedure to be followed by the Committee for disposal of its business under sub-section (3) of section 11;
- (d) the procedure in accordance with which an inquiry shall be held under clause (j) of section 17;
- (e) the other functions to be performed by the Authority under clause (l) of section 17;
- (f) the other matter in respect of which the Authority shall have power of a civil court under clause (g) of sub-section (1) of section 18;
- (g) the form in which and the time at which the Authority shall prepare its budget under section 20;
- (h) the form in which an annual statement of accounts shall be prepared by the Authority under sub-section (1) of section 21;
- (i) the form in which and the time at which the Authority shall prepare its annual report under sub-section (1) of section 22;

- (j) the rules subject to which the specified Government company shall carry on the business of transmission in the State under clause (b) of sub-section (1) of section 23;
 - (k) the form in which an application shall be made and the particulars which it shall contain and the fees with which it shall be accompanied under sub-section (2) of section 26;
 - (l) the form in which and the terms and conditions subject to which a licence shall be granted and fees to be paid therefor under sub-section (3) of section 26;
 - (m) the value of court fee stamp which an appeal shall bear under sub-section (5) of section 32; and
 - (n) any other matter which has to be, or may be, prescribed under this Act.
- (3) In making rules under this section, the State Government may direct that a breach thereof shall be punished with fine not exceeding five lakhs of rupees and when the breach is a continuing one, with fine not exceeding twenty thousand rupees for every day during which the breach continues after conviction for the first breach.
- (4) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.
52. (1) The Authority may, with the previous approval of the State Government, by notification in the *Official Gazette*, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act. Power to make regulations.
- (2) In particular and without prejudice to the generality of the foregoing provision, such regulations may provide for all or any of the following matters, namely: —
- (a) the time and place of the meetings of the Authority, the procedure to be followed in regard to the transaction of its business at such meetings and the quorum necessary for transaction of business at meetings under sub-section (1) of section 13,
 - (b) the manner of recruitment of, the salary and allowances payable to, and other conditions of service of officers and employees of the Authority under sub-section (2) of section 14,
 - (c) the terms and conditions of appointment of consultants under section 15,
 - (d) the principles of common carrier for transmission and distribution under section 17,
 - (e) the circumstances in which licensees shall inform the consumers of gas about their rights and compensation to be paid under section 41, and

(f) the form in which the information or return shall be furnished, the particulars which they shall contain and intervals at which they shall be furnished under sub-section (2) of section 43.

(3) In making regulations under this section, the Authority may direct that a breach thereof shall be punished with fine not exceeding five lakhs of rupees and when the breach is a continuing one, with fine not exceeding twenty thousand rupees for every day during which the breach continues after conviction for the first breach.

(4) All regulations made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(5) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.

Power to
remove
difficulties.

53. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provision, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

Transitional
provision.

54. (1) Until the Gujarat Gas Regulatory Authority is duly established and constituted under this Act for the first time, its functions and powers under this Act shall be performed and exercised by the State Government or such officer as may be authorised by the State Government by notification in the *Official Gazette*.

(2) Anything done or any action taken by the State Government or the officer so authorised in the performance of the functions or the exercise of the powers of the Authority under sub-section (1), shall be binding on the Authority when it is so established and constituted.

Savings.

55. (1) Any person who has been carrying on the business of transmission at any pressure in the State before the date of commencement of this Act (hereinafter in this section referred to as "the commencement date") may subject to the provisions of this Act continue to carry on the business of transmission on or after the commencement date so however that—

(a) he shall not lay any pipeline in addition to those existing immediately before the commencement date; and

(b) where the quantum of gas which he transmits on or after the commencement date by means of pipelines existing before the commencement date exceeds the quantum of gas transmitted by him on the day immediately before the commencement date—

(i) the charges for transmitting the excess gas shall be regulated by the Authority, and

(ii) the transmission of the excess gas shall be based on the principles of common carrier.

- (2) A licensee or a supplier or a bulk consumer may undertake transmission and lay and operate dedicated pipelines therefor subject to the previous approval of the specified Government company and such regulations which the Authority may make with regard to the standards of safety, operation and environment.

Explanation.—For the purpose of this sub-section, the expression “dedicated pipeline” means a pipeline laid and operated by a licensee or by a supplier or by a bulk consumer for obtaining gas from pipelines operated for transmission by the specified Government company or a person referred to in sub-section (1).

STATEMENT OF OBJECTS AND REASONS

Many Liquefied Natural Gas (LNG) import projects have been planned in the State of Gujarat to meet the growing demand of gas as fuel from industrial, commercial and domestic establishment. Indigenous natural gas availability in the State of Gujarat is not sufficient to meet even the current demand. LNG is the answer to the growing fuel lead of the State. Because of its strategic coastal location, the State of Gujarat is well positioned to help neighbouring states also for meeting their gas needs.

In order to ensure systematic and integrated development of gas industry in the State, it is proposed to set up a Gas Regulatory Authority. The Authority has not only to regulate transmission, supply and distribution of gas but also to look after the environmental safety and efficiency aspects of developing the gas industry in the State. So as to encourage investment in distribution sector, it is proposed to provide for licensing of gas distribution.

The Gas transmission pipeline systems are highly capital intensive and duplication thereof is not in the interest of gas consumers. In the interest of co-ordinating development of gas industry, it is proposed to introduce principle of common carrier for operation of gas pipelines. It is proposed to confer on the specified Government company, exclusive responsibilities for developing and operating integrated gas transmission system in the State so as to ensure cost efficient and systematic operation of the gas grid system in the State.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain the important provisions of the Bill.

Clause 1. — This clause provides for short title, extent and commencement of the Act.

Clause 2. — This clause defines certain terms used in the Bill.

Clause 3. — This clause provides for the appointment of the Commissioner of Gas and such officers and persons to exercise the powers and perform functions and duties as are conferred or imposed by or under the Act.

Clause 4. — This clause provides for establishment and incorporation of the Gujarat Gas Regulatory Authority.

Clause 5. — This clause provides for the head quarters of the Authority.

Clause 6. — This clause provides for the constitution of Authority and qualifications for appointment as a Chairman and members.

Clause 7.- This clause provides for the term of office and the conditions of service of Chairperson and members of the Authority.

Clause 8.- This clause provides for occurrence of vacancy of member and filling up of such vacancies.

Clause 9.- This clause provides for disqualification incurred by a person for being appointed or being a member of the Authority.

Clause 10.- This clause empowers the State Government to remove a member of the Authority for the reasons stated therein and also provides for resignation of a member.

Clause 11.- This clause empowers the State Government to constitute a committee for holding inquiry for the purpose of removal of a member of the Authority.

Clause 12.- This clause prohibits a member from appearing before the Authority accepting a job in and company carrying on business of transmission or distribution on ceasing to be a member.

Clause 13.- This clause provides for time, place, quorum and rules of procedure with regard to transaction of the business of the meeting of the Authority.

Clause 14.- This clause provides for determination of number and the category of officers and employees of the Authority and the manner of recruitment and their conditions of service.

Clause 15.- This clause empowers the Authority to appoint consultants.

Clause 17.- This clause provides for the functions to be performed by the Authority.

Clause 18.- This clause provides for the powers of the Authority for holding inquiry under the Act.

Clauses 19 to 22. - These clauses provide for the fund of the Authority preparation of the budget, maintenance of accounts and audit thereto and laying of annual report, before State Legislature.

Clause 23.- This clause prohibits carrying on of the business of the transmission of gas in the State by any person other than specified Government company.

Clause 24.- This clause provides for exclusive privilege of carrying on the business of transmission of gas in the State by the specified Government company.

Clause 25.— This clause prohibits distribution of gas and laying of pipelines without a licence.

Clause 26.— This clause provides for grant of a licence by the Commissioner for carrying on the business of distribution.

Clause 27.— This clause provides for amendment of a licence.

Clause 28.— This clause provides for suspension and revocation of licence.

Clause 29.— This clause provides for arbitration for disputes arising between the specified Government company and a licensee or between licensees or between a person who supplies and who buys the gas.

Clause 30.— This clause provides for the constitution of a Tribunal and the appointment, term of office and conditions of service of members of the Tribunal and procedure to be followed for the disposal of its business.

Clause 31.— This clause provides for the powers of the Tribunal.

Clause 32.— This clause provides for appeals to the Tribunal.

Clause 33.— This clause bars the jurisdiction of the civil court.

Clause 34.— This clause provides for the penalty for contravention of certain provisions of the Act.

Clause 35.— This clause provides for general penalty for non-compliance of any order, direction or requisition lawfully made or given under the Act or any rules or regulations made thereunder.

Clause 36.— This clause provides for offences by companies.

Clause 37.— This clause provides for cognizance of offence.

Clause 38.— This clause provides for jurisdiction of the criminal courts.

Clause 39.— This clause provides for compounding offences and penalty thereof.

Clause 40.— This clause empowers the Authority to lay down the standards of performance in connection with transmission and distribution of gas.

Clause 41.— This clause empowers the Authority to prescribe by regulations the circumstance in which licensees shall inform the consumers of gas of their rights in relation to distribution of gas, and payment of compensation for any delay or default committed by licensees in distribution of gas.

Clause 42.— This clause empowers the Authority to collect information in respect of level of performance.

Clause 43. — This clause empowers the Authority to call upon all persons carrying on business of transmission, distribution or supply of gas to furnish information relating to their financial matters.

Clause 44. — This clause prohibits the authority to disclose information relating to transmission, distribution and supply of gas and other matters relating to business.

Clause 45. — This clause provides that dues of the Authority are recoverable as arrears of land revenue.

Clause 47. — This clause provides that all proceedings before the Authority and the Tribunal shall be deemed to be judicial proceedings.

Clause 48. — This clause provides that members, officers and employees of the Authority, the Commissioner, officers and members of the Tribunal shall be public servants.

Clause 49. — This clause provides for usual indemnity for acts done in good faith.

Clause 50. — This clause empowers the State Government to give directions to the Authority and Commissioner on question of policy.

Clause 51. — This clause empowers the State Government to make rules generally for carrying out the purposes of the Act and particularly for matters specified in sub-clause (2).

Clause 52. — This clause empowers the Authority to make regulations for enabling it to perform its function under the Act.

Clause 53. — This clause empowers the State Government to remove difficulty arising within three years from the commencement of the Act.

Clause 54.—This clause empowers the State Government or an authorised officer to exercise the powers and functions of the Gujarat Gas Regulatory Authority till such authority is established.

Clause 55. — This clause provides that any person who has been carrying on the business of transmission of gas before the commencement of the Act may continue to do so subject to the provisions specified therein.

KAUSHIK PATEL

FINANCIAL MEMORANDUM

This Bill if enacted and brought into force would involve following expenditure from the Consolidated Fund of the State.

Clause 3 empowers the State Government to appoint the Commissioner of Gas and other officers for performing the functions and duties conferred by or under the Act. This would involve annual expenditure to the extent of rupees fifty lakhs, out of which rupees twenty-five lakhs would be of recurring nature and rupees twenty-five lakhs would be of non-recurring nature.

Clause 6 empowers the State Government to appoint the Chairman and two other members of the Gujarat Gas Regulatory Authority. This would involve an annual expenditure of rupees fifty lakhs, out of which rupees twenty-five lakhs would be of a recurring nature and rupees twenty-five lakhs would be of a non-recurring nature.

Clause 30 empowers the State Government to constitute a Tribunal consisting of two members. This would involve annual expenditure to the extent of rupees twenty lakhs, out of which rupees ten lakhs would be of recurring nature and rupees ten lakhs would be of non-recurring nature.

KAUSHIK PATEL

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects :-

Clause 1. – Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 3. – This clause empowers the State Government to appoint, by notification in the *Official Gazette*, the Commissioner, and also empowers the State Government to appoint other officers and persons and to give them such designation as it deems fit.

Clause 4. – This clause empowers the State Government to establish by notification in the *Official Gazette*, the Gujarat Gas Regulatory Authority and to specify the date with effect from which the Authority shall be established.

Clause 5. – This clause empowers the State Government to specify by notification in the *Official Gazette*, any other place as the headquarters of the Authority.

Clause 6. – This clause empowers the State Government to appoint a Chairperson and two other members of the Authority.

Clause 7. – Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the salary and allowances and other conditions of services of a member of the Authority.

Clause 10. – Sub-clause (3) of this clause empowers the State Government to prescribe by rules, the period of notice for tendering the resignation by a member.

Clause 11. – This clause empowers the State Government to constitute by notification in the *Official Gazette*, a Committee for holding inquiry for removal of a member, and to prescribe by rules, the procedure to be followed by such committee for disposal of its business.

Clause 13. – Sub-clause (1) of this clause empowers the Authority to prescribe by regulations, the time and place at which the Authority shall meet and the rules of procedure in regard to transaction of its business at meeting to be observed by the Authority.

Clause 14. – Sub-clause (2) of this clause empowers the Authority to determine by regulations, the manner of recruitment, salary and allowances payable to and other conditions of service of officers and employees of the Authority.

Clause 15. – This clause empowers the Authority to determine by regulations, the terms and conditions for appointment of Consultant.

Clause 17. – (i) Para (j) of this clause empowers the State Government to prescribe by rules, the procedure for holding an inquiry.;

(ii) para (l) of this clause empowers the State Government to prescribe by rules, the other functions to be performed by the Authority.

Clause 18.— Para (g) of sub-clause (1) of this clause empowers the State Government to prescribe by rules, any other matter for which Authority have powers of a Civil Court.

Clause 19.— Sub-clause (4) of this clause empowers the State Government to direct by order, the authority, to deposit its moneys in such bank, Government securities or in other manner.

Clause 20.— This clause empowers the State Government to prescribe by rules, the form in which and the time by which the budget shall be prepared by the Authority.

Clause 21.— Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form in which the Annual Statement of Accounts of the Authority shall be prepared.

Clause 22.— Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the form in which and the time by which Annual Report shall be prepared by the Authority.

Clause 23.— Para(b) of this clause empowers the State Government to prescribe by rules, subject to which the specified Government company shall carry on the business of transmission in the State;

Clause 26.— (i) Sub-clause (2) of this clause empowers the State Government to prescribe by rules, the form in which application for licence shall be made, the particular which it shall contain and the fees with which it shall be accompanied ;

(ii) sub-clause (3) of this clause empowers the State Government to prescribe by rules, the form of licence, the terms and conditions which it shall contain and the fees on payment of which such licence may be granted.

Clause 29.— Para (c) of sub-clause (1) of this clause empowers the Authority to prescribe by the regulations, the procedure to be followed in adjudication.

Clause 30.— (i) Sub-clause (1) of this clause empowers the State Government to constitute a Tribunal consisting of two members, to discharge the functions conferred on it by or under the Act ;

(ii) sub-clause (3) of this clause empowers the State Government to prescribe by rules, the term of office and conditions of service of the members of the Tribunal ;

(iii) sub-clause (5) of this clause empowers the State Government to prescribe by rules, the conditions and limitations subject to which the Tribunal may award the cost ;

(iv) sub-clause (6) of this clause empowers the Tribunal to prescribe by regulations, the procedure and the disposal of its business.

Clause 31. – Para (d) of sub-clause (1) of this clause empowers the State Government to prescribe by rules, other matters for which Tribunal may exercise the powers of civil court.

Clause 32. – Sub-clause (5) of this clause empowers the State Government to prescribe by rules, the value of the Court fees stamp which an appeal shall bear.

Clause 40.—(i) Sub-clause (1) of this clause empowers the Authority to prescribe by order, the standards of performance for transmission and distribution of gas, efficient use of gas, operation codes and safety regulation of transmission and distribution system ;

(ii) sub-clause (2) of this clause empowers Authority to prescribe, the manner in which the order of Authority shall be published.

Clause 41.— This clause empowers the Authority to prescribe by regulations, the circumstances in which the licensee shall inform the consumers of gas of their rights in relation to distribution and compensation to be paid by the licensees to the consumers for delay and default in distribution.

Clause 43. — Sub-clause (2) of this clause empowers the Authority to prescribe by regulations, the form in which the particulars with which and the interval at which the returns shall be furnished.

Clause 51.— This clause empowers the State Government to make, by notification in the *Official Gazette*, rules for carrying out the purposes of the Act.

Clause 52.— This clause empowers the Authority to make, by notification in the *Official Gazette*, regulations for enabling it to perform its functions under the Act.

Clause 53. — This clause empowers the State Government to make an order for removing the difficulty arising in giving effect to the provisions of the Act.

Clause 54.— Sub-clause (1) of this clause empowers the State Government to authorise an officer to perform the functions and exercise the powers of the Authority until the Authority is constituted.

The delegation of the legislative powers as aforesaid is necessary and is of a normal character.

Dated the 27th September, 2000.

KAUSHIK PATEL.

By order and in the name of the Governor of Gujarat,

B. L. MEHTA,

Secretary to Government

Legislative and Parliamentary Affairs Department

Gandhinagar

Dated the 27th September, 2000

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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Separate paging is given to this Part in order that it
may be filed as a Separate Compilation.

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT DEVELOPMENT CORPORATIONS LAWS (AMENDMENT) BILL, 2000.

GUJARAT BILL NO. 26 OF 2000.

A BILL

further to amend the Gujarat Tribal Development Corporation Act, 1972, the Gujarat Scheduled Castes Development Corporation Act, 1985 and the Gujarat Backward Classes Development Corporation Act, 1985.

It is hereby enacted in the Fifty-first Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Development Corporations Laws (Amendment) Act, 2000.

Short title.

Guj. 5 of 1972.

2. In the Gujarat Tribal Development Corporation Act, 1972, in section 5, in sub-section (1), for the words "twenty crores of rupees", where they occur at three places, the words "fifty crores of rupees" shall be substituted.

Amendment
to Guj. 5 of
1972.

Amendment to
Guj. 10 of 1985.

3. In the Gujarat Scheduled Castes Development Corporation Act, 1985, in section 17, in sub-section (1), for the words "ten crores of rupees" where they occur at three places, the words "fifty crores of rupees" shall be substituted.

Guj. 10 of
1985.

Amendment to
Guj. 11 of 1985.

4. In the Gujarat Backward Classes Development Corporation Act, 1985, in section 18, in sub-section (1), for the words "fifteen crores of rupees" where they occur at three places, the words "fifty crores of rupees" shall be substituted.

Guj. 11 of
1985.

STATEMENT OF OBJECTS AND REASONS

Sub-section (1) of section 5 of the Gujarat Tribal Development Corporation Act, 1972 empowers the State Government to provide to the Corporation, a sum not exceeding twenty crores of rupees, as capital. Similarly, sub-section (1) of section 17 of the Gujarat Scheduled Castes Development Corporation Act, 1985 empowers the State Government to provide to the Corporation, a sum not exceeding ten crores of rupees and sub-section (1) of section 18 of the Gujarat Backward Classes Development Corporation Act, 1985 empowers the State Government to provide to the Corporation, a sum not exceeding fifteen crores of rupees. In order to enable the State Government to provide, whenever necessary, larger sum of capital to the said Corporations, it is considered necessary to increase the aforesaid ceiling of the capital of all three Corporations to fifty crores of rupees. This Bill seeks to amend the aforesaid Acts to achieve the said object.

FAKIRBHAI VAGHELA.

FINANCIAL MEMORANDUM

Clauses 2, 3 and 4 of the Bill, which seek to amend sub-section (1) of section 5 of the Gujarat Tribal Development Corporation Act, 1972, sub-section (1) of section 17 of the Gujarat Scheduled Castes Corporation Act, 1985 and sub-section (1) of section 18 of the Gujarat Backward Classes Development Corporation Act, 1985 respectively, empower the State Government to provide to the respective Corporation, whenever necessary, a sum not exceeding fifty crores of rupees as the State Government may think fit, as capital of the Corporation. The Bill, if enacted and brought into force, would involve non-recurring expenditure upto fifty crores of rupees for each Corporation, which may be incurred by the State Government from time to time.

Dated the 27th September, 2000.

FAKIRBHAI VAGHELA,

By order and in the name of the Governor of Gujarat,

B. L. MEHTA,

Secretary to Government

Legislative and Parliamentary Affairs Department

Gandhinagar,

Dated the 27th September, 2000

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the
Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under
the proviso to rule 127 A of the Gujarat Legislative Assembly Rules :-

THE GUJARAT (SECOND SUPPLEMENTARY) APPROPRIATION BILL, 2000.

GUJARAT BILL NO. 27 OF 2000.

A BILL

*to authorise payment and appropriation of certain further sums from and
out of the Consolidated Fund of the State of Gujarat for the services of the
financial year ending on the thirty-first day of March, 2001.*

It is hereby enacted in the Fifty-first Year of the Republic of India as
follows :—

1. This Act may be called the Gujarat (Second Supplementary) Short title.
Appropriation Act, 2000.

2. From and out of the Consolidated Fund of the State of Gujarat, Issue of
there shall be paid and applied sums not exceeding those specified in column Rs. 3,67,81,48,000
3 of the Schedule hereto annexed amounting in the aggregate to the sum of from and out of
three hundred sixty-seven crores, eighty-one lakhs, forty-eight thousand the Consolidated
rupees towards defraying the several charges which will come in course of Fund of the State
payment during the financial year ending on the thirty-first day of March, of Gujarat for the
2001, in respect of the services and purposes specified in column 2 of the financial year
Schedule. 2000-2001.

3. The sums authorised to be paid and applied from and out of the Appropriation.
Consolidated Fund of the State of Gujarat by this Act shall be appropriated for
the services and purposes expressed in the Schedule in relation to the said year.

SCHEDULE

(See sections 2 and 3)

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2			3	
2.	Agriculture	Revenue	49,54,00,000	1,39,54,000	50,93,54,000
3.	Minor Irrigation, Soil Conservation and Area Development	Revenue	2,04,00,000	-	2,04,00,000
4.	Animal Husbandry and Dairy Development	Revenue	1,23,32,000	-	1,23,32,000
		Capital	1,25,00,000	-	1,25,00,000
5.	Co-operation	Capital	8,55,00,000	-	8,55,00,000
8.	Education	Revenue	1,00,31,07,000	48,000	1,00,31,55,000
12.	Energy Projects	Revenue	1,06,48,000	-	1,06,48,000
15.	Tax Collection Charges (Finance Department)	Revenue	25,64,000	-	25,64,000
19.	Repayment of Debt pertaining to Finance Department and its servicing	Revenue	-	10,19,92,000	10,19,92,000
22.	Food	Capital	5,10,00,000	-	5,10,00,000
25.	Forests	Revenue	2,62,00,000	1,70,000	2,63,70,000
		Capital	2,57,64,000	-	2,57,64,000
28.	Governor	Revenue	-	5,00,000	5,00,000
30.	Elections	Revenue	44,44,000	-	44,44,000
32.	General Administration Department	Revenue	34,90,000	-	34,90,000
33.	Economic Advice and Statistics	Revenue	16,54,00,000	-	16,54,00,000
34.	Other Expenditure pertaining to General Administration Department	Revenue	-	3,35,000	3,35,000

No. of Vote/ Appropriation	Services and purposes		Sums not exceeding		
			Voted	Charged on the Consolidated Fund	Total
1.	2			3	
38.	Medical and Public Health	Revenue	2,24,00,000	-	2,24,00,000
41.	Home Department	Revenue	-	2,000	2,000
42.	Police	Revenue	-	1,00,000	1,00,000
44.	Transport	Revenue	19,08,55,000	5,55,000	19,14,10,000
46.	Other Expenditure pertaining to Home Department	Revenue	7,00,000	-	7,00,000
		Capital	37,00,000	-	37,00,000
49.	Industries	Revenue	50,00,000	9,03,000	59,03,000
50.	Mines and Mineral	Revenue	-	8,000	8,000
60.	Administration of Justice	Revenue	16,44,000	6,88,000	23,32,000
62.	Legislative and Parliamentary Affairs Department	Revenue	5,25,000	-	5,25,000
66.	Irrigation and Soil Conservation	Revenue	2,39,58,000	9,27,000	2,48,85,000
		Capital	31,00,000	2,58,49,000	2,89,49,000
68.	Other Expenditure pertaining to Narmada, Water Resources and Water Supply Department	Revenue	-	4,53,00,000	4,53,00,000
69.	Panchayats, Rural Housing and Rural Development Department	Revenue	5,00,000	-	5,00,000
71.	Rural Housing and Rural Development	Revenue	-	95,000	95,000
76.	Revenue Department	Revenue	1,50,00,000	-	1,50,00,000
79.	Relief on account of Natural Calamities	Revenue	1,04,58,00,000	-	1,04,58,00,000
81.	Compensation and Assignment	Revenue	-	9,50,000	9,50,000
82.	Other Expenditure pertaining to Revenue Department	Revenue	-	3,38,000	3,38,000

No. of Vote/ Appro- priation	Services and purposes		Sums not exceeding		Total
			Voted	Charged on the Consolidated Fund	
1	2			3	
84.	Non-Residential Buildings	Revenue	-	18,000	18,000
		Capital	-	1,31,56,000	1,31,56,000
86.	Roads and Bridges	Revenue	-	20,81,000	20,81,000
		Capital	4,00,00,000	21,58,000	4,21,58,000
87.	Gujarat Capital Construction Scheme	Capital	-	5,000	5,000
88.	Other Expenditure pertaining to Roads and Buildings Department	Revenue	-	71,92,000	71,92,000
93.	Special Component Plan for Scheduled Castes	Capital	50,27,000	-	50,27,000
94.	Tribal Area Sub-Plan	Revenue	65,00,000	56,58,000	1,21,58,000
		Capital	-	22,51,000	22,51,000
96.	Youth Services and Cultural Activities	Revenue	2,89,00,000	-	2,89,00,000
99.	Urban Housing	Revenue	1,30,00,000	-	1,30,00,000
100.	Urban Development	Revenue	12,75,57,000	-	12,75,57,000
Total :		Revenue :	3,09,87,67,000	18,18,14,000	3,28,05,81,000
		Capital :	35,41,48,,000	4,34,19,000	39,75,67,000
Grand Total :			3,45,29,15,000	22,52,33,000	3,67,81,48,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2001.

The amounts are shown below :-

Rs.

(a) Revenue Expenditure

3,28,05,81,000

(b) Capital Expenditure

39,75,67,000

Total :

3,67,81,48,000

Gandhinagar,

Dated the 3rd October, 2000.

VAJUBHAI VALA.

By order and in the name of the Governor of Gujarat,

B. L. MEHTA,

Secretary to Government,

Legislative and Parliamentary Affairs Department.

Gandhinagar,

Dated the 3rd October, 2000.

V- EX-27-2

GOVERNMENT CENTRAL PRESS, GANDHINAGAR.